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# INDIANS AND THE LAW

a survey prepared for

**The Honourable Arthur Laing**  
Department of Indian Affairs and Northern Development  
Government of Canada  
Ottawa

*General publications*  
6-17

by  
**THE CANADIAN CORRECTIONS ASSOCIATION**

The Canadian Welfare Council  
55 Parkdale Avenue  
Ottawa 3, Ontario

August 1967



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\* The Committee members marked with an asterisk are Indian

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The Canadian Welfare Council  
55 Parkdale Avenue  
Ottawa 3, Ontario

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## Table of Contents

List of Tables	Page
Preface	7
Chapter I — Terms of Reference, Organization, Procedure and Main Recommendations	9
Chapter II — The Setting	16
Chapter III — Extent of the Problem	21
Chapter IV — Liquor and the Indian Act	23
Chapter V — The Police and the Courts	33
Chapter VI — Probation, Institutions and Parole	42
Chapter VII — Community Resources and Preventive Services	51
Chapter VIII — Summary and Conclusions	55
<b>Appendices</b>	
Appendix A — Project Staff	59
Appendix B — Members of the Sub-committee on Research and Finance	61
Appendix C — Statistics on the Incidence of Illegal Behaviour among Adult Indians in Canada	62
References	67

## List of Tables

Table	Page
I. Percentage of Indian, Metis and non-Indian Inmates in Saskatchewan Correctional Institutions in August 1966 Who Were Serving Sentences for Infractions Related to Liquor	28
II. Number of Indian Bands in Canada Which Have Held Referenda on Liquor Privileges	32
III. Admission of Indians and non-Indians to Roberval County Jail for the Years 1960 to 1965 Inclusive	34
IV. Number of Indian Band Constables by Province	38
V. Number of Indian, Metis and Eskimo Juveniles in Selected Training Schools in Canada for Certain Periods in 1965 or 1966	43
VI. Number of Indian, Metis and Eskimo Adults in Selected Eastern Provincial Correctional Institutions in Canada for Certain Periods in 1965 or 1966	44
VII. Number of Indian, Metis and Eskimo Adults in Selected Western Provincial Correctional Institutions in Canada for Certain Periods in 1965 or 1966	45
VIII. Number of Indian and Metis Adults in Federal Penitentiaries in Canada as of December 31, 1965	46
IX. Indians as Defined in the Indian Act and as Defined Racially, by Province	63 -
X. Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Canada as a Whole	64
XI. Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Newfoundland	64
XII. Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Prince Edward Island	64
XIII. Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Nova Scotia	65

XIV.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. New Brunswick	65
XV.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Quebec	65
XVI.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Ontario	65
XVII.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Manitoba	66
XVIII.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Saskatchewan	66
XIX.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Alberta	66
XX.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. British Columbia	66
XXI.	Indians and non-Indians Convicted of an Indictable Offence, Related to General Population. 1961. Yukon and Northwest Territories	67



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## Preface

Several years ago I was at luncheon with the Minister of Reform Institutions for the Province of Ontario. A somewhat sordid criminal case involving Indians had been occupying space in the morning paper. As might be expected, the conversation turned to the incidence of crime among the Indian people. I was shocked at the figures he gave me regarding the number of Indians who were coming into conflict with the law.

True, I had been born and raised on an Indian reserve prior to the turn of the century and had lived there until the beginning of World War I. I was quite aware of the type of misdemeanour and "trouble" (as we naively classed it) that our people were experiencing with the law, such as drunk and disorderly or assault and battery arising out of occasional drinking sprees, but rarely any deliberate crimes of violence or forcible burglary or theft. Now it seemed the whole picture had changed, even to the extent that in certain areas Indians constituted a large proportion of the offenders. Moreover, the number of serious offences appeared to be increasing. Why was this so? I asked. The people I had grown up with as a boy and as a young man were inherently law-abiding, kindly and generous. What was bringing their descendants into more frequent trouble with the law?

The question worried me. Consequently when the Indian Affairs Branch asked the Canadian Corrections Association to undertake an examination of the problems associated with Indians and the law and when I was asked if I would act as Chairman, I quickly consented.

At the outset I fully realized that, with the limited funds and time at our disposal, a study in depth would be difficult over an area as large as Canada, with its many diverse living conditions. Criticisms were certain to arise. We would be charged with indulging in generalities on hearsay evidence. I was sure that many of the Indian people would say that we were being discriminatory and were putting them in a bad light. On the other hand, Governments and the concerned agencies might regard our comments as an attempt to downgrade their efforts. However, we hoped that enough facts and opinions could be assembled to underline the gravity of the problem and to pinpoint the basic ills and underlying causes warranting remedial action.

I think our Report does this. The transition from the relatively happy and secure life of the reserve to the highly competitive urbanized life of our cities and towns has been made necessary by overwhelming economic pressures. However, it often inflicts too severe a strain on a people ill-equipped by tradition, temperament, education, and economic attitudes to withstand. (Many non-Indians are also breaking under this strain and are indulging in dangerous forms of escape from the realities of life.) Add to this the latent non-acceptance of the Indian by much of the non-Indian society and the difficulty of adjustment to the white man's standards of moral and social conduct becomes compounded. Small wonder that many

Indians seek to withdraw and exhibit a disregard for the concepts and values of the dominant society. I am of the opinion that just as the blame for the present unhappy condition does not rest solely on the shoulders of any one of the parties involved, the ultimate solution can be found only by joint and sincere action.

The Department of Indian Affairs and Northern Development (when this study started it was the Department of Citizenship and Immigration) is to be commended for its initiative and foresight in asking that this study be done. I agree that such problems can be attacked effectively only when objective information is available.

As Chairman of the Project Committee, I must record my personal appreciation for the help, guidance and encouragement received from many individuals with special knowledge derived from many years of close contact with the problems confronting the Indian and Eskimo peoples.

It was particularly gratifying to have among the members of the Project Committee a number of Indian people who not only gave evidence of their deep concern by their presence but who by their contribution to the discussions added greatly to this, the final and authentic version of the Report. To these members of the Project Committee, most of whom are not in any way associated with government or other agency and who could only attend by a sacrifice of personal income, must go our heartfelt thanks. The fact that Indian and non-Indian people were able to meet and discuss a contentious subject with frankness and harmony bodes well for the future.

Nor can we overlook the understanding collaboration and co-operation received from provincial government agencies and, at the federal level, from the Royal Canadian Mounted Police, the Canadian Penitentiary Service, the National Parole Service, The Department of Justice and the Dominion Bureau of Statistics.

To the many judges, magistrates and justices of the peace whose onerous duty it is to pass society's judgment on those who stand before them, we express our thanks for the time and effort they gave.

To Reuben Baetz, Executive Director of the Canadian Welfare Council and W. T. McGrath, Executive Secretary of the Canadian Corrections Association, must go warm acknowledgement for their assistance and advice.

To Gene Rheume, our Project Director, and to our field staff, goes a special word of appreciation. It was a pleasure to be associated with Mr. Rheume on this project.

To Dr. Frank Vallee, Chairman of the Subcommittee on Research and Finance, who gave freely of his time and intimate knowledge, and to the many volunteer members of the Project Committee resident in Ottawa who gave invaluable advice and assistance in assembling and editing the Report, I would also like to express my gratitude.

And finally, a word of appreciation to the scores of men and women interviewed in the course of this study. Many were inmates of jails or other correctional institution or were on probation or parole. Of necessity they are nameless, but without their co-operation and candor much of this study would have been impossible.

August 1967

Gilbert C. MONTURE



## CHAPTER I

# Terms of Reference, Organization, Procedure and Main Recommendations

### Introduction

In the autumn of 1964, discussions were initiated by the Indian Affairs Branch with the Canadian Corrections Association regarding the apparently special legal problems the Indian people of Canada were meeting, as reflected in a high frequency of appearances in court, jail committals and recidivism. The Canadian Corrections Association agreed to gather whatever pertinent material of a statistical nature was readily available.<sup>1</sup> When this was assembled it became apparent that a situation of serious magnitude existed, and this was consistent with the findings of some American studies and with observations made by persons visiting institutions and noting the high percentage of Indian inmates.

In December of 1964, the National Committee of the Canadian Corrections Association passed a resolution suggesting that a broader study be undertaken of the administration of justice as it relates to Indian people. Dr. Gilbert C. Monture was asked to serve as Chairman of the Project Committee and Dr. Frank Vallee was chosen to head a small Subcommittee on Research and Finance. Each of the provincial governments in Canada was advised of the purpose of the study, asked to lend their co-operation, and invited to appoint a representative to the Project Committee. In addition, representatives of various federal agencies and private organizations, as well as Indian leaders from across Canada, were invited to join the Project Committee.

The Project Committee met in Ottawa for the first time on February 13, 1965. Discussion showed that members were fully aware of the complexity of the predicaments faced by Indian and Eskimo people. They realized that much of whatever trouble these people were having with the law could be understood only in the light of economic conditions, culture patterns, minority group status and other underlying factors. Despite this realization, it was decided that the kind of profound and extensive research required to answer fundamental questions about underlying causes required resources of skill, funds, and time which far surpassed those at the disposal of the Project Committee. The view prevailed that we should engage in an inquiry, or survey, rather than "in-depth" research, with the aim of producing concrete recommendations which could be implemented without delay on a national scale.

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<sup>1</sup> This material appears in Appendix C.



To be sure, this approach appears excessively modest to those who feel that the Committee sacrificed the search for basic causes of problems in favour of an examination of symptoms. However, there were people on the Committee who were thoroughly knowledgeable about the hundreds of "in-depth" studies of the causes of deviant behaviour in various countries and communities. These people were sceptical about the chances that, in the present state of psychological and social scientific knowledge, any definitive statements about underlying processes would emerge from whatever study they could afford to mount.

Thus it was that two major decisions were taken at that first meeting:

- (i) it was decided that a general survey on a national basis was warranted;
- (ii) it was agreed that the Canadian Corrections Association, through the Canadian Welfare Council, should request the Indian Affairs Branch to underwrite the costs of such a survey, estimated at approximately \$60,000 over the course of the ensuing two years.

The Indian Affairs Branch received Treasury Board approval to enter into a contract with the Canadian Welfare Council whereby a total of \$60,000 would be made available to the Canadian Corrections Association for a study of law enforcement, judicial and correctional services as they relate to Indian and Eskimo people, with a report to be in the hands of the Minister during the summer of 1967. It was thought necessary to secure the services of a full-time project director and advertisements were subsequently placed in various newspapers. On December 13, 1965, the Project Director joined the staff of the Canadian Corrections Association.

### **Preliminary Organization and Recruitment of Staff**

During the first phase of the study, a detailed budget of approximately \$65,000 was prepared. It was accepted that a field staff of ten would be required on a full-time basis during the summer months of 1966 and that, where possible, the employees should be drawn from the universities of Canada. Accordingly, a circular letter outlining the proposed project was directed to the attention of senior students in law, social work, sociology, anthropology, psychology and criminology at every university in Canada. This advertisement produced a considerable number of applications. In addition, during this period, letters were sent to all provincial governments requesting their co-operation in working with the field staff and providing data during the ensuing summer.

### **Definition of Scope and Nature of Study, and Terms of Reference**

The second phase of the project is the meeting of the Project Committee in Ottawa on February 14, 1966, at which the following decisions were made:

1. To broaden the study to include all people of Indian ancestry, i.e., Metis, and also to include people of Eskimo ancestry.

2. To complete the report by the summer of 1967.
3. To approve the following terms of reference:
  - a) Examination of the extent to which Indians and Eskimos come into conflict with the law in Canada with emphasis on
    - (1) levels of understanding of existing laws;
    - (2) degree of acceptance of and respect for existing laws;
    - (3) kinds of offences involved;
    - (4) special provisions that affect Indians or Eskimos;
  - b) Review of law enforcement, judicial and correctional processes as they relate to Indians and Eskimos; in particular,
    - (1) frequency of arrest;
    - (2) availability of legal aid services;
    - (3) comparative sentencing;
    - (4) special services available in correctional institutions;
    - (5) suitability of after-care services.
  - c) Study of the effect of the correctional experience on Indian or Eskimo offenders with emphasis on the attitudes of Indians and Eskimos towards law enforcement and judicial processes.
  - d) Preparation of recommendations, on the basis of information gained, on steps required to improve the services already existing or to initiate new services for Indians and Eskimos in conflict with the law.

## Field Work

Selection of staff and carrying out the field work constitutes the third phase of the project. Most of the applications were received from university students and they constituted the majority of the staff selected. Their names are listed in Appendix A.

One of the field workers, Mr. Brian Bell, acted as supervisor of field staff in Alberta, Saskatchewan and Manitoba while Mr. R. N. Clarke had the same responsibilities for Ontario and, further, served as assistant project director.

A total of approximately 100,000 miles were travelled by the staff during the field work phase of the program, with visits made to communities in urban, rural and remote areas of the provinces. Because of the high cost of travel and other factors, no field visits were made into either the Yukon or the Northwest Territories, but interviews were conducted with headquarters staff of the Royal Canadian Mounted Police "G" Division and officials of the Northern Administration Branch in Ottawa. It will be noted from the list of members of the Project Committee that two Councillors of the Northwest Territorial Government, Dr. Frank Vallee and Professor R.G.H. Williamson, have also assisted us (see inside front cover).

A four-day orientation session was held in May 1966, at which the newly-recruited field staff studied the terms of reference and agreed upon the methods that would be followed in gathering data. In addition to this, staff were briefed by various members of the Subcommittee on Research and Finance on the nature of problems they might encounter, and on the workings of the law enforcement, judicial and correctional system in Canada.

Each field worker then proceeded to his or her region and spent about three months observing and interviewing in connection with the law enforcement, judicial and correctional process. The approach of the field workers was informal and exploratory, rather than technically rigorous. They visited court rooms and correctional institutions, and talked to a wide variety of people who had relevant experiences and views on the problems under study. They visited reserves and urban neighbourhoods where Indians and Metis people live.

During the course of the summer months, while the field work was in progress, the Project Director visited each of the field staff twice and participated in meetings and interviews with them. At the conclusion of the field work, most of the staff gathered again in Ottawa for a group discussion of three days' duration. This proved invaluable as a device to pin-point main findings, and to exchange initial suggestions in drafting recommendations. The field work phase terminated on September 12, 1966, with the exception of data collection from the Royal Canadian Mounted Police "G" Division in relation to the Yukon and Northwest Territories. This task was carried out by the Project Director.

### **Collection of Statistical Data**

During this fourth phase of the project, general data on offences and correctional institution populations was obtained from the Dominion Bureau of Statistics and requests were made to most of the provincial governments for information as to the number of Indian people detained in institutions during the month of August. Since collection of such data by the provincial agencies required special report forms not ordinarily used, the information was difficult to obtain. Indeed, serious difficulties were encountered in practically all agencies because very few differentiate between Indians and non-Indians when recording arrests, court appearances or sentences. Consequently, the statistics are not as complete as would be desirable although they do indicate trends that cannot be ignored.

### **Analysis of Related Research Studies**

To complement the findings of the field staff, a wide variety of material relating to earlier research studies was gathered and, in this fifth phase of the project, it was examined for its value as background information. Some references are made to this material in various sections of the report and the more important studies are listed in the bibliography.

### **Recommendations**

The following recommendations are directed at specific changes in the nature and extent of law enforcement, judicial and correctional services to Indian and Eskimo people. They are based on the assumption that substantial increases in services and expenditures will be provided by federal and provincial agencies to meet the massive backlog of social and economic problems which contribute to the difficulty with the law experienced by these people. A considerable increase in expenditures for such services as housing, edu-



cation, health, employment counselling and placement, and recreation has occurred in recent years (the budget of the Indian Affairs Branch alone has grown from \$69,978,310 in 1963-1964 to \$118,708,000 in 1967-1968) but an even greater rate of increase is needed. Without this, the Indian and Eskimo people who are geographically dispersed, who are socially, economically and politically handicapped, and who are already burdened with an apathy that has been building for a century, will deteriorate further.

1. *An immediate end to the casual admission of children to residential schools for non-academic reasons. The child of Indian ancestry who is neglected and in need of protection should have available to him the same statutory services in child welfare as the non-Indian child.*
2. *Immediate steps by the federal government to resolve the conflict between treaty rights and federal and provincial legislation, with the federal government taking initiative to secure a review of all legislation that infringes upon treaty rights.*
3. *Clarification of the jurisdictional responsibilities between the provincial governments and the federal government for police, legal aid, probation and after-care services to Indians as a basis for expanding and improving existing law enforcement, judicial and correctional services.*
4. a) *Reduction in the use of jail sentences for those offences by Indians having to do with liquor. Wherever possible, there should be more extensive use of probation for liquor offences, and committal to detoxication centres along with treatment in alcoholic clinics should be tried as an alternative to incarceration.*  
 b) *On a broader level, preventive steps through educational programs in the schools beginning with primary grades, adult education, expanded recreational programs and facilities, and the involvement of agencies such as alcoholics anonymous, the alcoholism foundations, the churches, and service clubs, should be encouraged.*
5. *Immediate action by the Parliament of Canada to delete all provisions of the Indian Act relating to liquor control.*
6. *Termination of multiple police jurisdiction on Indian reserves through arrangements between the federal, provincial and municipal police forces, to remove confusion in the minds of the people and to avoid costly and inefficient use of police manpower. A single force on each reserve is recommended, assisted by an expanded and improved Indian constabulary.*
7. *Expansion and improvement of the Indian constable system through :*
  - a) *Clear definition of terms of reference, including expanded authority under federal and provincial legislation;*
  - b) *Training of band constables to provide knowledge of modern police methods and skills;*
  - c) *Adequate and standardized pay levels and working conditions to recognize the importance of this as a career position;*
  - d) *Continuing supervision by the appropriate police force.*
8. *That, where feasible, the Royal Canadian Mounted Police be requested to take responsibility for training and supervision of the Indian constable system.*

9. *Provision of special services in magistrates and justices of the peace courts to ensure that Indian and Eskimo people understand and exercise their rights. At present, most do not understand the nature of the charges against them, the type or implication of plea they may enter, court procedures and terminology, the right to speak on their own behalf or to request legal counsel. The few who do know these things seldom do anything about it when they are in court. Provision of legal counsel for serious charges is essential at this stage of the process. It is further recommended that provincial magistrates' associations be asked for their suggestions on these matters in the light of their special knowledge, experience and concern.*
10. *An immediate examination should be made by provincial agencies of the extent of their probation service as it applies to Indian and Eskimo people, particularly to juveniles, because jail sentences or committals to training schools as a correctional device for most Indians are ineffective and costly.*
11. *Increasing use of parole services for people of Indian and Eskimo ancestry through more flexible parole conditions and more extensive use of suitable individuals, such as members of band councils and government personnel, to provide parole supervision, especially in rural and remote areas; and, further, that a special procedure be established by the National Parole Board whereby particular attention and consideration is given to parole applications from people of Indian or Eskimo ancestry.*
12. *Immediate action by provincial governments to improve and co-ordinate correctional services to Metis people.*
13. *Provincial governments and the federal government should take the initiative in providing encouragement (particularly financial) to private after-care agencies with a view to stimulating an increased and expanded level of services to Indian and Metis people.*
14. *Encouragement to Indian-Metis-Eskimo Friendship Centres by substantially increasing federal, provincial and municipal grants. It is further recommended that the Citizenship Branch of the federal government undertake immediately a review of the function their liaison officers might perform in assisting these Centres and such organizations as the Indian-Eskimo Association, to develop sound programs for Indian people coming into the cities and towns. The positive role played by the Centres and the Indian-Eskimo Association of Canada merits increased financial and administrative support from all levels of government and from the general public.*
15. *Educational programs should be launched to give Indians and Eskimos an understanding of the principles underlying our criminal laws, what the provisions of the laws are, and what protections and services are available to the individual citizen to ensure his legal rights. For children, this program should form part of the school curriculum. For adults, it should be offered in adult education classes.*
16. *The role of the Indian Affairs Branch in all phases of the law enforcement, judicial and correction process should be reviewed with the objective of ensuring that adequate programs are available to Indians through federal, provincial and private agencies. Professional staff should be provided to carry out the necessary liaison to ensure that effective services are available to Indians who come*

*into conflict with the law. All legal aid plans operating in a province should be made readily available to Indian people but where provision for legal aid has not been made the Indian Affairs Branch should broaden its own plan to ensure that legal counsel is provided to Indians for all indictable offences.*

17. *Indians and Eskimos should be hired much more frequently than is now the case to work with Indian and Eskimo offenders in all aspects of law enforcement, judicial and correctional services. Non-Indian staffs with a caseload that includes any large number of Indians or Eskimos should be given special training to help them understand the unique problems and point of view of Indians and Eskimos.*



## CHAPTER II

# The Setting

### General

It became clear as the study progressed that one cannot profitably examine and discuss specific problems connected with the law without having in mind the larger context of general living conditions in which people of Indian and Eskimo descent have lived and do live. That is why the discussion on law enforcement, judicial and correctional patterns is being opened by a reference to some of these living conditions, thus providing a broad perspective from which to view the findings and recommendations of the study.

In general, the Indian and Eskimo people are poorly prepared to enter the mainstream of the social and economic life of Canada. There are a few places in Canada where conditions among them approximate those of the dominant society but, for the most part, the situation is deplorable. Development programs have improved over the past several years, but the backlog of social and economic problems is so great that present resources still fall short of meeting even current needs. There is a growing awareness on the part of Canadians in general, and the Indian people in particular, that these circumstances can no longer be tolerated.

The paper prepared by the Indian Affairs Branch for the Federal-Provincial Conference on Poverty in Ottawa, November 1965, documents in painful detail the critical condition of the Indian people of Canada.

In their statement to the Minister of Indian Affairs and Northern Development on January 12, 1967, the Union of Ontario Indians had this to say:

Our concern is the status and condition of Canada's native Indian population. On the 100th year of Confederation, what are the circumstances of Canada's original people? Unhappily, we must report that the last 100 years have visited an unimaginable deterioration in the life of the Indians of this country. A once proud and industrious people have suffered a degree of poverty, unemployment, disease, mortality and discrimination out of all proportion to its number... Quite obviously, the everyday conditions of life for most Indians would stagger the imagination of most non-Indians.<sup>1</sup>

Recently the Hawthorn Report observed:

... the general picture the figures present of native Indians in Canada is one of serious unemployment or underemployment, poverty and dependency.<sup>2</sup>

<sup>1</sup> Union of Ontario Indians, *Indian Treaty Rights*. Brief submitted to the Government of Canada, January 12, 1967, p. 1.

<sup>2</sup> Hawthorn, H. B., ed., *A Survey of the Contemporary Indians of Canada*. Ottawa: Queen's Printer, 1967, p. 46.

During the field work, the research staff was constantly confronted with, and shocked by, the depressing conditions that so many Indian and Metis people of Canada live with every day of the year. Almost daily, the news media report declarations by experts to the effect that the provisions for jobs, housing, health and welfare services, education and technical training for Canadians generally are severely strained, and that in some parts of the country shortages may become critical in the next few years. Crash programs in housing, manpower deployment, re-training and relocation are being designed to meet these challenges. New federal-provincial agencies have been created, or are planned, to administer new programs. However, with few exceptions the Indian and Eskimo people of Canada are unable to tap these resources even now and it is doubtful if they will be able to draw on them in proportion to their burgeoning needs in the future.

The whole picture is complicated by the apparent paradox whereby the Indian and Eskimo people are in some ways the peculiar responsibility of the federal government, yet are subject to all laws of general application in the province or territory where they reside. The federal and provincial agencies have not been able to agree on areas of jurisdiction in matters related to health and welfare. With few exceptions, provincial agencies have excluded Indian people from provincial programs of general application, justifying their actions by insisting that Indians and Eskimos are a federal responsibility. On the other hand, the resulting gap in services has not been filled by equivalent federal services and programs due, for the most part, to the desire of the federal authorities to avoid setting up duplicate programs that would further segregate and isolate the Indian and Eskimo people from the rest of the population.

Inevitably, the people most concerned — the Indian, the Eskimo and the Metis — have little insight into these administrative complexities and obscurities, and are often confused, frustrated, resentful and cynical. Just as often they are apathetic and take little direct action to help bring about change even when they know what they want. Unsure of which level of government is responsible, the Indian and Eskimo people frequently resort to total dependence on the federal government and tend to lay all blame for their own condition at the feet of federal agencies. The Metis, on the other hand, consistently expressed the belief that no one is concerned about them as a group and they believe (often with justification) that they have fewer services and programs than either the Indians or the Eskimos.

It is accurate to say that the Indian and Eskimo people of Canada are in cultural, social and economic isolation from the rest of the population. This situation is aggravated by their geographic isolation which compounds the difficulty in providing adequate levels of service. The majority of them lack such basic necessities as running water, electricity, plumbing, telephones, roads and other transportation facilities. The cost of bringing these services to them is substantially higher than to other groups because they are scattered thinly throughout the rural and remote sections of the country. Access to sophisticated services such as employment counselling and placement, child and family services and recreation, is even more limited for many of them, and in some areas not available at all.

## Child Welfare Services

Very early in the course of the field work, the staff were struck by the extraordinarily large number of Indian people who had been raised by persons other than their own parents, and, more particularly, had spent many of their younger, formative years in institutional settings such as sanatoria or residential schools. It was also apparent that most Indian people took it for granted that their own children would experience similar family dislocation, either during periods of protracted illness or while attending residential schools.

It was the unanimous opinion of field staff that these frequent and lengthy separations from the family setting contributed substantially to the incidence of family breakdown in subsequent years, and that the roots of deviant behaviour, including anti-social acts, might be traced to lack of stable, family environment during childhood years.

A special look, therefore, was taken at the number of Indian children coming into the care of child welfare agencies in the three Prairie provinces due to neglect in their own homes. Indian and Metis children are heavily represented in the ward population of the Prairie Provinces. In addition to Indian children in foster homes, 912 Indian children were in residential schools for child welfare reasons in 1966 in Saskatchewan alone.<sup>1</sup> It is apparent that Indian and Metis children are represented in the child care population out of all proportion to the size of the group in the general population.

The legal rights of parents concerning their own children appeared to be regarded too casually by the Indian Affairs Branch and by other agencies. Indian people are, for the most part, totally unaware of their rights and responsibilities under child welfare legislation and, in many cases, have become apathetic to the point where some do not even bother to attend court hearings involving the custody of their own children. The Child Welfare Branch of the Saskatchewan Department of Welfare has recently adopted a procedure whereby legal counsel is provided, at government expense when necessary, for all parents at all court hearings where permanent custody of children is at stake. This kind of protection should be provided to all Indian families immediately because of the high incidence of Indian children coming into wardship care.

Although it is not the function of this survey to make evaluations of the educational and social programs of residential schools, it should be noted that the state of affairs described in the preceding paragraph is partly attributable to the frequent use of residential schools to meet child welfare requirements of Indian children. This whole policy and its implications must be re-examined.

### *Recommendation :*

*An immediate end to the casual admission of children to residential schools for non-academic reasons. The child of Indian ancestry who is neglected and in need of protection should have available to him the same statutory services in child welfare as the non-Indian child.*

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<sup>1</sup> Caldwell, George, *Indian Residential Schools*. Ottawa: Canadian Welfare Council, January 1967, p. 66.



## Treaty Rights

Another way of putting some of the points made earlier in this chapter is to say that many of the people of Indian and Eskimo descent are alienated from the economic, social and political structures. This alienation is bound to be reflected in their attitudes towards the law. In their Kamsack study, Shimpo and Williamson noted that the attitudes of Indians towards the law could not be understood without, at the same time, considering their attitudes towards the Treaties and the Indian Act. As they say:

Their (the Indians) observations of the local scene . . . where White men broke their own laws in dealing with the Indians and with each other, did not help to clarify for the band members their understanding of the law.<sup>1</sup>

This study, and others, indicates that the abrogation of treaties and laws by the non-Indian majority encourages the questioning, in Indian eyes, of much of the white man's law. This attitude applies not only to dealings with the government but with white people in general.

It was the conclusion of the field workers that the question of Treaty rights pervades the field of Indian/non-Indian relationships to such an extent that resolution of these differences is a pre-condition to acceptance by the Indian people of most programs for their benefit and advancement. In specific terms, what the Indian people regard as the failure of successive governments to live up to the terms and the spirit of the original Treaties is, in the eyes of most Indian people interviewed, a stumbling block to their acceptance of the white man's law in its widest terms. Many of them do not know the exact terms of the Treaties that were signed; others are not so much disturbed by the specific Treaty commitments — in the legal sense — as they are by the failure of governments to meet their moral obligations to preserve Indian rights.

The evidence from this survey, from that of the Hawthorn group, and others, suggests that Treaty rights are increasing in importance as more Indian people become better organized and develop a more vocal approach to government. In their statement to the Minister of Indian Affairs and Northern Development, the Union of Ontario Indians placed the issue in its wider context:

Accordingly, we call upon the Government of Canada to restore our treaty rights . . . We respectfully submit that Canada's "national honour" requires that the Canadian Government uphold its part of the bargain with the Indian people. The restoration of our treaty rights would generate among the Indian people a new sense of confidence in the Canadian government which is so vital to the efforts to alleviate Indian poverty.<sup>2</sup>

### *Recommendation :*

*Immediate steps by the federal government to resolve the conflict between Treaty rights and federal and provincial legislation, with the federal government taking initiative to secure a review of all legislation that infringes upon Treaty rights.*

<sup>1</sup> Shimpo, Mitsuru and Williamson, Robert, *Socio-cultural Disintegration Among the Fringe Saulteaux*. Saskatoon: Centre for Community Studies, 1965. p. 259.

<sup>2</sup> Union of Ontario Indians, *op. cit.*, p. 5.

## Summary

One must not overlook the changes that are occurring in Canada in the administration of Indian and Eskimo affairs. Public opinion as to the disparity between their living conditions and those that apply to other Canadians is becoming aroused as never before. Moreover, many Indian and Eskimo people are showing impatience with the *status quo*; the younger people who are emerging from the schools and attempting to give leadership to their own people are significantly more aware of what is needed than their parents. Indians, Metis and Eskimos are gradually being brought into consultation through advisory councils at all levels of government. The community development program of the Indian Affairs Branch seems to have great potential, and the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia now have special agencies focussing directly on Indian and Metis people. Because of this, there is room for cautious optimism.

## CHAPTER III

### Extent of the Problem

The magnitude and nature of the involvement of Indian and Eskimo people with the law warrants serious attention. Selected statistical data to support this general statement will be presented later in this report, but even these statistics must be treated with great caution. In the first place, few agencies and institutions in Canada keep records which reveal the racial origin of the person receiving service or treatment, and even where this is done, the accuracy of the data is often questionable. This is reflected in the reply of the Solicitor General to a question in the House of Commons on March 22, 1967:

Penitentiary service records of persons serving penitentiary sentences during the years 1960 to 1966 inclusive do not enable a clear distinction to be made in every case between those who were (a) Indians within the meaning of the Indian Act; (b) of Indian ancestry or (c) of non-Indian ancestry.<sup>1</sup>

Records kept in the courts and by provincial correctional institutions and services are, for the most part, equally sketchy.

A further qualification must also be kept in mind to preserve perspective when considering this statistical data: figures are not available in Canada comparing the rate of conflict with the law among non-Indians living in rural, depressed areas with a non-agricultural economic base with the rate among those living in more favoured areas. The observations of the project staff suggest, however, that the extent of the problem for non-Indians in these categories is significant. In other words, among non-Indians living in conditions similar to most Indian people, conflict with the law, and the kind of offences committed, might well be shown to be of similar extent and magnitude as among the Indian people.

The limitations of statistical data in their present form discourage the production of tables on a national scale, showing rate of conviction by ethnic origin.<sup>2</sup> However, while the rates and trends among people of Indian and Eskimo origin cannot be stated precisely, it is felt that the evidence is sufficiently strong to warrant deep concern. Reports dealing with the incidence of crime published by Dominion Bureau of Statistics, related to population figures taken from the Census, show that rates of conviction for indictable offences are higher (3 to 5 times in some regions) for people of Indian origin

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<sup>1</sup> Queen's Printer, *Hansard*. Ottawa, March 22, 1967. The Honourable Solicitor General's answer to Mr. D. Orlikow, M.P., pp. 14,326-27.

<sup>2</sup> See Appendix C.

than for those of non-Indian origin.<sup>1</sup> A study using American Census data comes to the same conclusion for Indians in the United States.<sup>2</sup>

The data we have reveals considerable regional variations in the extent to which people of Indian ancestry are involved with the law. In Newfoundland there are so few Indians that province was not included in the study. In the Maritime Provinces and, to an even greater extent in the Province of Quebec, the situation appears to be better than in the rest of the country but improvements are still possible, particularly in one or two problem pockets where conflict with the law is significant and also where juvenile delinquency seems to be on the increase. In Ontario — particularly from North Bay west — and in the other western provinces and territories, the incidence of Indian involvement with the law is alarming and is clearly out of proportion to their numbers.

The division of responsibilities between the provinces and the federal authority, as set out in the British North America Act, applies to the field of law enforcement, judicial and correctional services, and federal, provincial, municipal and private agencies have evolved to meet these needs. To further complicate matters, federal agencies often delegate their responsibilities to provincial, municipal or private agencies to reduce costs or to avoid duplication of services and programs. For example, provincial probation officers and private after-care agencies often supervise federal parolees on behalf of the National Parole Service. The converse is also true. For instance, some provincial and municipal governments, through contract arrangements, employ the services of the Royal Canadian Mounted Police to meet provincial and municipal policing requirements. As the Handbook of Correctional Services observes:

The result is a fragmentation of the field in sometimes illogical ways, and a bewildering variety of administrative patterns adopted by the various jurisdictions.<sup>3</sup>

The evidence obtained during this survey seems to indicate that correctional services and programs in Canada are lacking in depth and adequacy to meet the correctional needs of the nation. Unhappily for the Indian and the Eskimo, with his special needs and special problems, he has received little opportunity to get what services exist. Later in this report, the extent to which the Indian and Eskimo people are occupying the courts, jails and penitentiaries of Canada will be brought out. It is obvious that the federal, provincial and municipal governments cannot afford the luxury of failing to develop programs geared to this particular group.

*Recommendation :*

*Clarification of the jurisdictional responsibilities between the provincial governments and the federal government for police, legal aid, probation and after-care services to Indians as a basis for expanding and improving existing law enforcement, judicial and correctional services.*

<sup>1</sup> Queen's Printer, *Statistics of Criminal and other Offences, 1961*. Ottawa: Dominion Bureau of Statistics, September 1963.

<sup>2</sup> Stewart, Omer, "Questions regarding American Indian Criminality", *Human Organization*, Vol. 23, Spring 1964, pp. 61-66.

<sup>3</sup> Canadian Corrections Association, *Handbook of Correctional Services in Canada*. Ottawa, 1965, p. 1.



## CHAPTER IV

# Liquor and the Indian Act

On the subject of "drinking" among Indians and Eskimos several studies are worth noting. A recent paper by R. C. Dailey shows how early concern about the misuse of alcohol among Indians is recorded in scores of references in the Jesuit Relations of the seventeenth and eighteenth centuries.<sup>1</sup> It was realized even during that early period that the Indians had no strong controls of a social and psychological kind to structure and contain their drinking behaviour. Once the belief was established that, somehow, the Indian could not control himself when drinking, it became part of the folk-belief system, and generations of Indians grew up, indeed still grow up, learning that, for some biological reason, they are incapable of drinking in a "normal" manner. In more recent times, the Eskimos have been encouraged to have the same beliefs about themselves. Social scientists have shown that, once such beliefs get established about an ethnic group and the people in that group get to accept those beliefs, a kind of self-validating process gets under way in which the people act in the ways expected of them, even though there is no biological basis for their presumed inherited behaviour. It requires a massive educational campaign to break up this circular process of belief-begetting behaviour reinforcing belief-begetting behaviour and so on and on. What makes the task particularly onerous is that psychological "gains" in acting as though this belief were true give people a vested interest in retaining them and in retaining the behaviour associated with these beliefs. The matters referred to here are the functions served by alcohol. Several investigators argue that many Indian and Eskimo people unconsciously use drinking as a release from an ugly world, as a means of making legitimate certain illegitimate things that they might want to do (e.g. assault, rob or insult police).<sup>2</sup>

Another aspect of this vested-interest hypothesis is the stake which some non-Indian and non-Eskimo people have in maintaining the belief that Indians cannot control their drinking and that drinking is the chief problem facing the native peoples. It has been suggested that those who use these arguments are unconsciously avoiding encounters with the hard-

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<sup>1</sup> Dailey, R. C., "References to Drinking Among Indians in the Jesuit Relations", to be published in *Anthropologica*, Vol. X, No. 1, 1968. We wish to express gratitude to Dr. Dailey for permission to refer to this unpublished paper.

<sup>2</sup> E.g. see Clairmont, Donald H. J., *Deviance Among Indians and Eskimos in Aklavik, N.W.T.* Ottawa: Department of Northern Affairs and National Resources. Northern Coordination and Research Centre, publication NCRC-63-9, 1963 and Lemert, Edwin M., "Alcohol and the Northwest Coast Indians" *University of California Publications in Culture and Society*, Vol. 2, No. 6, 1954.

core problems of underprivilege, which are at the economic, psychological and social levels.<sup>1</sup> In short, this argument says that those people who exaggerate the drinking problem are avoiding the real issues, avoiding the problems of which drinking is simply a manifestation. For the purposes of the present report, it was thought best to be "alarmist", taking at almost face-value the statements of people that drinking was an underlying cause of most problems with the law encountered by Indians and Eskimos.

It was neither possible nor necessary in this study to examine the extent to which liquor, and its abuse, is a problem among non-Indians who come into conflict with the law.

For Indians, however, the number of liquor infractions is so great that it almost excludes other kinds of "crime". The comments of the field staff all emphasize this point:

*Maritimes*

The offences committed by the Indian people are relatively few and not of a serious nature, but liquor is a problem as many appear time and time again on charges such as intoxication in a public place.

*Quebec*

I found liquor to be the problem and that all other offences committed were accomplished while the accused was intoxicated.

*Ontario (Southern, Eastern and Central)*

The great majority of offences centre around alcohol — if the offence is not under the Liquor Control Act, it has been committed while impaired. With regard to offences of Indians in the institutions of Southern Ontario, approximately 80 per cent of the cases are breaches of the Liquor Control Act and the other 20 per cent (vagrancy, theft, assault, impaired driving, etc.,) contain elements of alcohol abuse.

*Ontario (North Western)*

A vastly disproportionate number of Indian people are coming into conflict with the law (except for very remote areas)... The offences are all either violations of the Liquor Control Act or crimes — usually crimes of violence — where liquor played a prime causal role.

*Manitoba*

The number of Indian people who are coming into conflict with the law is steadily increasing. It is safe to say that over 90 per cent of the offences committed either directly involved liquor or it was one of the elements when the offence was committed.

*Saskatchewan*

The majority of offences committed by people of Indian ancestry involve alcohol as a material element. Liquor offences are not difficult to prove and in nearly all cases the offenders are caught in the act.

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<sup>1</sup> E.g. see Honigsmann, John J. and Irma, *Eskimo Townsmen*. Ottawa: Canadian Research Centre for Anthropology, 1965, for a discussion which attempts to put "alarmist" non-Eskimo views of drinking into perspective.

## *Alberta*

The magnitude of the Indian problem is obvious — at a minimum, seven times the committal rate of non-Indians. The pattern of offences shows little variety (i.e., mostly liquor infractions).

## *British Columbia*

Most of the arrests in the province in that year (1966) were charges involving liquor. Besides the drunk charges, most of the motor vehicle offences and assault charges arose out of the offenders being intoxicated.

Information supplied by the Dominion Bureau of Statistics and the Royal Canadian Mounted Police show a high rate of conviction for liquor offences among the Indians and Eskimos of the Yukon and Northwest Territories as well.

The findings of the project field staff are similar to those published by Hawthorn and his colleagues in their study of the Indians of British Columbia:

This summary might be entitled "types of crimes committed by Indians", though it justifies this description only in the sense that it is a very tentative statement aimed in that direction.

First, an extremely large proportion of the law violations for which Indians are apprehended involve alcohol either directly or indirectly. This statement refers to offences in which the mere presence of alcohol constitutes the crime, like possession of liquor, offences arising out of the use of alcohol, and offences committed primarily to obtain alcohol, such as the burglary of a liquor store, the robbery of a bootlegger or the theft of money subsequently used for the purchase of liquor.

Second, the crimes committed against the property of others have a pattern (or an absence of pattern) in that they are impulsive in motivation, hasty and often heedless of risk in planning, and clumsy in execution. These elements are augmented when the offender has been drinking.

Third, the crimes committed against other persons, such as assaults and manslaughter, seem to reflect a pattern of covert hostility which may become overt under the influence of alcohol and lead to violent acts of aggression. There are some indications that this sort of violence is tied to the tensions attendant upon acculturation. Sexual offences, such as rape committed by males, are at times connected with the covert hostility noted above, and then usually require the drinking of alcohol as a precipitant to the act.

Fourth, there is an almost complete absence of certain types of criminal activity such as embezzlement, which are associated with the socio-economic and occupational level of the middle-class White, and there are very few offences that are connected with organized crime in the urban centres of the Province. A partial exception to this relative freedom from the more syndicated and sophisticated types of criminal activity is provided by those few Indians who are involved in the illicit use of drugs, but even here we have found only one who has risen into the more profitable and prestige-giving role of supplier.

Fifth, there is a significant tendency for juvenile offenders in some localities... to grow increasingly like White juveniles in their law-breaking behaviour, and particularly in group activity. There is some evidence that the appearance of such patterns stems, rather paradox-

ically, both from acculturation and from the frictions with White society which are a product of incomplete acculturation. In his delinquent behaviour, the Indian juvenile is at once imitating and rebelling against the larger society.<sup>1</sup>

It is generally agreed that North American Indians had not learned to produce intoxicants prior to the arrival of Europeans on the continent. For many years alcohol was dispensed freely in negotiations with the Indians. For many years, too, the liquor trade and the fur trade were closely associated. Similarly, from earliest times, the major policing problems in North America among Indian people resulted from excessive drinking:

Drunken Indians seem to have been responsible for a majority of the crimes committed by their people. Most Indian technologies were not sufficiently sophisticated to produce intoxicants, and, as a result, their cultures were even less experienced and less successful in coping with alcoholism than were those of the Whites. At one reservation only fifteen crimes were recorded for the year (1880), but three of these were murders, and in all instances the guilty Indian was drunk. A... grand jury, dealing principally with crimes committed in Indian country, estimated that 95 per cent of them were attributable to alcohol (1889). Temperance advocates could have found abundant ammunition in conditions in the Indian country.<sup>2</sup>

There is a related pattern of offences such as breaking and entering, theft and assaults, committed while intoxicated or in an attempt to obtain funds for liquor. In urban and semi-urban areas the problem is most noticeable and the incidence of this type of law-breaking decreases in remoter northern areas. In fact, the rate of involvement in any type of crime is relatively low wherever access to liquor is either impossible or difficult.

There is evidence that crimes of violence are on the increase and that juvenile delinquency is also rising, again with liquor playing a significant role.

### **Drinking Patterns**

Some patterns emerged as to the occasions on which Indian people drink excessively and the nature of the intoxicants commonly used. It was widely reported that the amount of drinking done by Indian people increases substantially on "relief days" and when the family allowance cheques arrive. Similarly, when money is in relative abundance, such as at the conclusion of berry-picking, potato and tobacco harvests, or when seasonal work is available, drinking sprees and the number of arrests multiply. Special occasions, such as rodeos, stampedes, carnivals, (Klondike Days, Trapper's Festivals) lead to excessive use of alcohol.

The intoxicants universally used by the Indian people are beer and cheap domestic wines. It appears that beer-drinking in taverns is considered a prestigious social activity for adults in lieu of most other forms of recreation;

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<sup>1</sup> Hawthorn, H. B., et al., *The Indians of British Columbia*. Toronto: University of Toronto Press, 1957, chapter 24, pp. 323-4.

<sup>2</sup> Hagan, William T., *Indian Police and Judges*. New Haven and London: Yale University Press, 1966, pp. 54-55.



for minors, beer-drinking in cars constitutes an important form of social activity. The purchase of cheap domestic wines is typically encountered and several reasons offer themselves in explanation:

- (i) a bottle of wine can be purchased for less than a dollar, so is within the financial means of people with very little money at any one time;
- (ii) wine consumed rapidly and "straight" easily produces intoxication;
- (iii) "fortified" wines are now available and are more popular for their added "thrust".

With the exception of Quebec and the Maritimes, segregation in drinking establishments was widely reported and observed. Generally, the Indian people patronize a special hotel or tavern in the worst areas of towns and cities. It is difficult to know whether this pattern emerged as a result of refusal by hotel operators to serve non-white people, or whether it arose because the Indian people generally live and work in slum areas in our cities and towns and patronize the nearest outlet. Many feel they are not welcome in better class places and congregate in establishments where they are accepted, along with others in the low income brackets. In communities where there is only one drinking establishment, quite often there is an Indian section within the tavern, generally handy to the exits, so that the management can eject Indians who become too drunk or too rowdy with a minimum of fuss. Usually the Indian section of a beer parlour is poorly furnished and dirty, and non-Indians are either overtly or covertly encouraged to do their drinking in the better part of the lounge.

Few Indians do their drinking in cocktail lounges or licensed dining rooms and this is to be expected in view of the generally low economic level of the Indian people, together with indications that they would not be entirely welcomed if they did attempt it. Few of them are in the habit of drinking intoxicants with their meals.

There appears to be less social control to inhibit excessive drinking among Indian and Eskimo people with proportionately less social ostracism from the group as a result of arrest, conviction and detention for liquor infractions. While the use of alcohol serves, at least in part, to provide an escape mechanism from present circumstances and problems, there is also evidence that in terms of social acceptance it enhances the status of the offender in the eyes of his colleagues. Only fear of unpredictable and violent behaviour seems to arouse expressions of condemnation from other Indians. Hence, the real limiting factor on the purchase and consumption of intoxicants appears to be availability of funds.

It was not always possible to obtain detailed statistics as to the number of Indian people serving jail sentences for liquor offences, but it was universally reported by institutional personnel that in comparison to non-Indians the proportion is higher. Occasionally, data was available. The following table records the percentage of Indian and non-Indian inmates serving sentences in Saskatchewan provincial jails during the month of August 1966 for one or more offences directly involving liquor as a primary element, i.e., intoxicated in a public place; having liquor other than in a dwelling; liquor in a vehicle; minor consuming or purchasing; impaired or drunken driving.

TABLE 1

Percentage of Indian, Metis and non-Indian Inmates  
in Saskatchewan Correctional Institutions Who  
Were Serving Sentences for Infractions  
Related to Liquor, August 1966

<b>Institution</b>	<b>Indian or Metis</b>	<b>Non-Indian</b>
Regina Provincial Correctional Institution	67.9	37.0
Prince Albert Provincial Correctional Institution (Male)	79.2	40.4
Prince Albert Provincial Correctional Institution (Female)	62.1	0

Source: Field worker's report.

The field staff concluded from observation at court sessions and interviews with inmates and officials that the situation in the other Prairie provinces is not dissimilar to that in Saskatchewan.

The wisdom and effectiveness of using the criminal courts, the jails, and even the penitentiaries to punish crimes primarily involving liquor offences is under close scrutiny in all parts of Canada at present. Several provinces are establishing, or have established, treatment in detoxication centres or special alcohol clinics as an alternative to jail sentences for this type of offender. This treatment method has much potential in meeting the needs of the people of Indian ancestry who, on a proportionate basis, appear to commit more of this type of offence.

As a long range goal, preventive measures must be stepped up among the Indian people. There are communities and reserves where agencies such as Alcoholics Anonymous or alcoholism foundations could well take more initiative. The churches and other service organizations might well re-examine their role. Similarly, realistic alcohol education programs by provincial and territorial governments, aimed specifically at the older people, seems warranted.

It is believed that alcohol education programs in the schools should also be expanded and introduced at the primary school level.

The field staff observed that few recreational services and programs exist to provide the Indian people, particularly the younger ones, with alternative activity. This was particularly noticeable in remote areas and on most Indian reserves. The funds available through Indian Affairs Branch and through provincial and municipal agencies are, for the most part, inadequate, with the result that little has been done to provide good recreational services other than in the schools. While it cannot be established definitely that lack of such facilities is adding to the incidence of crime, it seems likely that until such programs are available, the Indian people will continue to find their recreation in drinking. Indeed in many communities, particularly those

adjacent to Indian reserves, the only public gathering places where Indian people can meet socially are the beer parlours and taverns. It is also possible to predict that among the younger people the incidence of delinquency will increase unless other forms of activity are made available to them.

*Recommendation :*

*a) Reduction in the use of jail sentences for those offences by Indians having to do with liquor. Wherever possible, there should be more extensive use of probation for liquor offences, and committal to detoxication centres along with treatment in alcoholic clinics should be tried as an alternative to incarceration.*

*b) On a broader level, preventive steps through educational programs in the schools beginning with primary grades, adult education, expanded recreational programs and facilities, and the involvement of agencies such as alcoholics anonymous, the alcoholism foundations, the churches and service clubs, should be encouraged.*

## **Indian Act**

Because of the high involvement of Indian people with liquor infractions, a close look was taken into the provisions of the Indian Act as they relate to liquor control. Most police officers, magistrates, Indian Affairs Branch officials, Indian leaders and inmates, felt strongly that the liquor provisions of the Indian Act should be deleted and that for purposes of liquor control, Indian people should be dealt with the same as other residents under the terms of the provincial and territorial liquor legislation. It was apparent from observation and statistics that many Indian people are being convicted under sections of the Indian Act for behaviour that is not an offence under provincial legislation.

A recent indication of dissatisfaction with this aspect of legislation affecting Indians is provided in the following newspaper stories.

### **NWT JUDGE RULES INDIAN RIGHTS VIOLATED BY SECTION OF INDIAN ACT**

YELLOWKNIFE, N.W.T. (CP) — Mr. Justice William Morrow of the Territorial Court ruled yesterday that certain sections of the federal Indian Act discriminate against Indians and are contrary to the Canadian Bill of Rights.

The sections deal with intoxication of Indians. Mr. Justice Morrow said that under these sections Indians are treated differently not only from whites, but also from Eskimos.

In the ruling, he allowed the appeal of the Yellowknife Indian, Joseph Drybones, against conviction on a charge of being "unlawfully intoxicated off a reserve".

Previous court decisions in the Northwest Territories have ruled that Indians suspected of intoxication must be charged under the Indian Act. However, whites or Eskimos suspected of intoxication are charged under the Territorial liquor ordinance.

Mr. Justice Morrow said this leads to discrimination against Indians because the Indian Act provides for a stiffer minimum penalty than the liquor ordinance and makes it an offence for an Indian to be intoxicated even in his own home.

In a 20-page judgment, Mr. Justice Morrow said this "is placing an Indian because of his race or color in a different position to that of fellow Canadians". He ordered a \$10 fine and court costs refunded to Mr. Drybones.<sup>1</sup>

LIQUOR CHARGES  
AGAINST INDIANS  
AWAIT APPEAL

**YELLOWKNIFE, N.W.T. (CP)** — Liquor charges against Northwest Territories Indians are being laid under the Indian Act, but are not being prosecuted pending the outcome of an appeal.

Territories Crown Prosecutor Orval Troy of Yellowknife yesterday said that the appeal has not yet been launched, but likely will be heard in the fall.

The appeal will be against a recent ruling by Mr. Justice William Morrow of the Northwest Territories court...<sup>2</sup>

Almost one hundred per cent of police officers interviewed expressed the opinion that all reserves should have liquor privileges. Many officers felt that Indians should not have been allowed to drink in the first place, but now that all provinces have granted the right to purchase and consume liquor on licenced premises it is stupid to prevent the people from taking it home to consume it. Indeed, it seems that many policing agencies try to close their eyes to offences that are being committed under the Indian Act and do little by way of searches or routine patrols on reserves to seize liquor.

They will, however, answer complaints that arise as a result of excessive drinking on reserves, e.g. fighting, wife-beating or creating a disturbance. The project staff were also frequently told by police officers that when they answer a complaint of this nature the charge subsequently laid is usually under Sections 96(a) or (b) of the Indian Act rather than for fighting or creating a disturbance. It is much easier to obtain a conviction under Section 96(a) or (b) and witnesses are not required. This would seem to explain the fact that most of the charges laid (in some cases, one hundred per cent of all charges laid in the past year) are for infractions of the liquor provisions of the Indian Act.

The situation puts the police in a vulnerable position. They cannot enforce Sections 96(a) and (b) strictly without incurring the complete hostility of the Indian people and the public at large. For example, it would mean stopping all vehicles passing through the Caughnawaga Reserve, near Montreal, seizing all liquor in those vehicles and charging the owners. This would result in searching the vehicles of tourists and other people who occasionally pass through Caughnawaga Reserve, near a main artery of traffic leading out of Montreal.

Similarly, the Indian people on the Pointe Bleue Reserve, near Roberval, operate a highly successful camping ground which attracts hundreds of tourists with their trailers and tent-trailers. Most of these tourists bring

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<sup>1</sup> *Globe and Mail*. Toronto, June 7, 1967.

<sup>2</sup> *Globe and Mail*. Toronto, June 15, 1967.



with them beer and liquor for their own consumption while camping at this site. To enforce the provisions of the Indian Act would require a periodic search of all trailers using the camp-site.

In Ontario, there are situations where three or four Indian reserves adjoin each other and where some of these are "wet" and some are "dry". The police have been known, on occasion, to follow Indian people home after they have purchased liquor. If the Indian takes the liquor to his home on the dry reserve he will be arrested; if he lives on the wet one he will not be bothered even though one reserve may be right across the road from the other.

These few examples of the many that could be given serve to describe the anomalous situations that exist. Police officers, for the most part, resent being caught in the middle of this problem. They are under unofficial pressure to close their eyes to infractions of Sections 96(a) and (b) and, for the most part, believe that the law is unfair and unrealistic. If, however, the drinking that occurs on the reserves leads to serious offences such as murder, manslaughter, rape or grievous assault, they (the police) are held responsible for having allowed the situation to get out of hand.

While it is true that the Indian Act contains a remedy whereby Indians can hold a referendum to obtain liquor privileges, it is apparent that the remedy is fraught with administrative difficulties and allows for the exploitation of Indian fears and misunderstandings. Many Indian people are confused as to what the referendum might mean to them. Many Indian people on reserves expressed the fear that if they voted for liquor privileges they would no longer be eligible to receive relief assistance in time of need. It was also reported that quite often the Chief and Councillors of the band believed a reserve should remain dry even though it appeared that the majority of the people, particularly the younger ones, did not hold this view. There is a widespread feeling that the amount of drinking on the reserves would increase if they became wet, and quite understandably the women, who appear to bear the brunt of the hardships surrounding drinking, exert a powerful influence in resisting the holding of a referendum.

Other points noted were:

- (1) some Indian people feel that the local officials, i.e., Indian agent, welfare workers, police, would be harder on them if they voted liquor privileges for their reserve;
- (2) the older people are opposed to liquor privileges on the reserve, younger people are in favour of it;
- (3) non-treaty Indians and Indians living away from reserves feel strongly that reserves should have liquor privileges;
- (4) many older people expressed the unfounded fear that they would be breaking the terms of their treaties if they were given full liquor privileges.

In spite of all these factors most of the Indian bands of Canada which have held referenda have voted in favour of liquor privileges:

TABLE II  
Number of Indian Bands in Canada Which Have Held  
Referenda on Liquor Privileges

<i>Province</i> <sup>1</sup>	<i>Total Bands</i>	<i>No Referendum</i>	<i>Held Referendum</i>	<i>Voted "wet"</i>	<i>Voted "dry"</i>
P. E. I.	1	0	1	1	0
Nova Scotia	12	6	6	5	1
New Brunswick	15	8	7	7	0
Quebec	40	36	4	0	4
Ontario	112	57	55	50	5
Manitoba	51	35	16	12	4
Saskatchewan	67	43	24	14	10
Alberta	41	33	8	7	1
British Columbia	190	96	94	81	13
Totals:	529	314	215	177	38

<sup>1</sup> There are no reserves in the Yukon or Northwest Territories.

Source: Indian Affairs Branch, July 1966.

The study carried out in British Columbia in 1956 stressed the injustice brought about by the liquor provisions of the Indian Act:

... offenses to do with liquor, or stemming from intoxication, constitute by far the bulk of Indian offenses. This strikes us as being a thoroughly discriminatory blow at human liberties. Most Indian criminals, in other words, are indicted for offenses that do not constitute criminal offenses for Whites. If the Indian were as free in his action in this respect as a White person, his criminal record would be much clearer than it is now, and probably his criminal record would, on the average, be much clearer than for the average group of Whites.<sup>1</sup>

*Recommendation :*

*Immediate action by the Parliament of Canada to delete all provisions of the Indian Act relating to liquor control.*

<sup>1</sup> Hawthorn, H. B. et al., "The Indians of British Columbia and Alcohol", *Alcoholism Review*, The Alcoholism Foundation of British Columbia, Vol. 2, No. 3, 1957, pp. 13A-14.

## CHAPTER V

# The Police and the Courts

The field workers on this project attempted to gather information and views on as wide a spectrum as possible of law enforcement and court problems related to Indians. It should be realized that it was not possible for them to check all records or interview all police and judicial authorities concerned for data or opinions confirming or rejecting some or all of the comments received. The following paragraphs are a summary of the views and information they were able to gather.

### Police

Police relationships with Indians appear to be more positive and healthier in the Maritimes and Quebec than in the rest of Canada. It must be remembered that the incidence of crime among the Indian people in these areas is relatively low, not only in comparison to other parts of Canada but also in relation to the non-Indian crime rate within the area.

In Nova Scotia, New Brunswick and Prince Edward Island, the Royal Canadian Mounted Police enforce both federal statutes and provincial legislation. Most towns and cities maintain and operate their own police forces. There is relatively little contact between most Maritime police forces and the Indian people, although in one or two pockets occasional flurries of law-breaking bring about temporarily abrasive meetings between police and the Indian people.

In some urban areas the municipal police expressed concern over their increasing contact with Indian juveniles, and while there has been no upsurge in the rate of delinquency, more and more young Indian people are found loitering about in large centres with little to occupy their time. The police feel that this situation could easily deteriorate into law-breaking.

The Royal Canadian Mounted Police officers interviewed on the reserves said that their contact with juveniles is so slight that they hardly get to know the young people. Even with the adults, it is only during periods of "homecoming" when migrant workers are returning from pulp-cutting, berry-picking or potato-harvesting that the police have reason to become active among the Indians. At these times, excessive use of alcohol is the major problem, although the incidence of motor vehicle offences also increases.

In the Maritimes, the Royal Canadian Mounted Police employ two special constables of Indian origin stationed on the Eskasoni Reserve in Nova Scotia and the Tobique Reserve in New Brunswick. In addition, nine supernumerary constables of Indian origin assist in police work. More will be said about the use of Indian constables in a later section of the report,

but they are mentioned here because there is evidence that their services do much to keep police/Indian relationships harmonious. They have gained the respect of the regular police forces and they appear to have firmly established a useful role in the minds of the Indian people.

There are three forces giving police services in Quebec and their responsibilities are the same for Indian and non-Indian alike. The Royal Canadian Mounted Police enforce all federal statutes except the Criminal Code on Indian reserves within the province. This usually means the Indian Act and, more specifically, Sections 93 to 99 of that Act relating to liquor control. The Royal Canadian Mounted Police do not enforce the Criminal Code or provincial statutes even on the Indian reserves. These functions are carried out by the Quebec Provincial Police. Police services to municipal governments are handled either by a municipal force as in most major cities, or by the Quebec Provincial Police under contract to local governments.

The Indian people do not present a policing problem in the larger cities and towns. It should be remembered that in Quebec, just as in the Maritimes, the relatively low incidence of illegal conduct on the part of the Indian people is a factor contributing to the generally good relationships they have with the police, and with the larger non-Indian community as a whole. Nonetheless, deterioration of the situation is noticeable in some areas of the province. For example, in the Roberval area, admissions of Indians to the Roberval County Jail are steadily rising.

TABLE III

Admission of Indians and non-Indians to Roberval County Jail  
for the Years 1960 to 1965 Inclusive

<i>Year</i>	<i>Non-Indian</i>	<i>Indian</i>	<i>Percentage of Indians in Total Admissions</i>
1960	747	141	16
1961	607	100	14
1962	593	158	20
1963	455	137	23
1964	543	204	27
1965	589	245	29

Source: Field worker's report.

Furthermore, the police report that more and more Indian youngsters from reserves located near urban areas are spending idle time in the poorer parts of the town where they are exposed to undesirable elements, and the police are worried.

In Quebec, there is an overlap of jurisdiction between the Royal Canadian Mounted Police and the Quebec Provincial Police which detracts from the efficiency and quality of police protection to the Indian people. As noted



earlier, the Royal Canadian Mounted Police on Indian reserves are, in practical terms, restricted to enforcing the Indian Act, while the Quebec Provincial Police enforce the Criminal Code and provincial legislation.

For the most part, the Royal Canadian Mounted Police have their detachment offices located on the reserve itself, while the Quebec Provincial Police are generally located some distance away from the reserve in a nearby town. When an incident occurs which requires police intervention the Indian people usually call the Royal Canadian Mounted Police who are close by and who can be on the scene quickly. If the matter is a serious one requiring immediate action, the Royal Canadian Mounted Police will intervene to meet the situation until the Quebec Provincial Police can take over, but this may involve a matter of some hours.

Most of the time, however, complaints arise because of a family squabble or a fight that develops in the wake of a drinking session. Although this type of offence also falls within the jurisdiction of the Quebec Provincial Police, the Royal Canadian Mounted Police officer who is on the scene first and who investigates the matter will, if he finds any evidence of intoxication or possession of intoxicants, lay a charge under the liquor control provisions of the Indian Act, which does come within his jurisdiction. In the words of the Quebec field worker:

What we get here is a drunk charge when it should properly be assault or bodily harm. Consequently, the statistics across this province are distorted to a certain degree by this state of affairs.

It was noted earlier that police attention to complaints is often delayed when the Quebec Provincial Police are the jurisdictionally responsible officers. Many examples can be given, but one will serve to illustrate the situation:

Early this summer (1966) an Indian girl was struck by a car on the Caughnawaga Reserve, on the outskirts of Montreal. The Royal Canadian Mounted Police detachment on the reserve was notified immediately and were on the scene within minutes. Traffic accidents are however, the responsibility of the Quebec Provincial Police, so it was necessary for them to be called in by the Royal Canadian Mounted Police. It was well over an hour before they could get there to pursue the investigation and remove the injured girl to hospital.

In general, the Indian people were of the opinion that the Quebec Provincial Police are unable to give them adequate police protection. The observations of the field worker support this. For one thing, Quebec Provincial Police detachment officers are located at some distance from the reserve, making quick response impossible. For another, they do not appear to give priority to complaints emanating from Indian reserves, partly because they know the Royal Canadian Mounted Police are available to handle urgent matters until they can get there, and partly because, through experience, they have learned that complaints about fighting and squabbling are generally settled by the time they get there so that they feel they have "made a trip for nothing". The net effect, however, is an inadequate level of police protection on Indian reserves. Occasionally, this overlap of jurisdiction between the Quebec Provincial Police and the Royal Canadian Mounted Police develops into strained working relationships between the men in these two forces.

Whenever this happens the Indian people are invariably deprived of adequate services.

In Ontario, the Ontario Provincial Police and the Royal Canadian Mounted Police have jurisdictional responsibilities and uncertainties similar to those described for the province of Quebec. There is one substantial difference, however; in many parts of Ontario, the Ontario Provincial Police are the force most active among the Indian people and show indications of expanding and improving their services even more. It is safe to say that in areas where the Ontario Provincial Police are well established, it is often the Royal Canadian Mounted Police who are not readily available to meet policing needs of the Indian within their sphere of jurisdiction, i.e., federal statutes. This overlap of jurisdiction is again confusing to the Indian people, costly and inefficient.

The field staff consistently encountered the belief among Indians that the Royal Canadian Mounted Police were "their" policemen and that officers of the Quebec Provincial Police and Ontario Provincial Police had no right to deal with them. Invariably they expressed the opinion that only a federal officer had the authority to handle their policing requirements, because they (the Indians) were the special responsibility of the Queen. Many, in fact, expressed the fear that to accept Quebec Provincial Police or Ontario Provincial Police jurisdiction was to invite the loss of their special guarantees under the Indian Act and the Treaties.

On some reserves in Ontario and Quebec the Indian people tended to be unco-operative with Quebec and Ontario Provincial Police officers investigating complaints. They would, however, quite freely and openly divulge the necessary information to a Royal Canadian Mounted Police constable, in the full knowledge that he would probably pass it on to his colleagues in the provincial force. They seemed to believe that they were, by this means, asserting their special prerogatives to deal only with the federal force.

In the Prairie Provinces, British Columbia and the two northern territories, the Royal Canadian Mounted Police is the single force maintaining law and order except where municipal police forces operate. These exceptions include all large metropolitan areas such as Winnipeg, Regina, Edmonton, Vancouver, and many smaller cities and even some villages.

In general, relationships between the police and the Indian people in these parts of Canada are less amicable and, in many areas, have reached a stage where bitterness prevails on both sides. This is particularly true where police officers have rural detachments containing many Metis settlements or Indian reserves. The constant surveillance sometimes required by the Indian and Metis people can, under these circumstances, harden into open dislike on the part of the police. Where this occurs the Indian people, in turn, may respond by being withdrawn and uncommunicative when sober and highly belligerent and aggressive when drunk.

There are many communities in Canada where the circumstances of the Indian and Metis people have deteriorated badly. In several of our largest cities they have been forced by lack of funds to congregate in slum areas where the conditions of filth and poverty practically defy description. The non-Indian community has, in the past, shown little inclination to treat this

as their own problem or even to support those individuals and agencies who are trying to do something about it. Where conditions are like this, the picture that the non-Indian community sees tends to reinforce their belief that the Indian and Metis are little interested in improving themselves. This unfortunate community attitude is often acquired by the men who see the Indian and Metis at his very worst: the police.

It is also obvious that the Indian people, particularly in cities, tend to draw police attention to themselves, since their dress, personal hygiene, physical characteristics and location in run-down areas make them conspicuous. This undoubtedly results in more frequent arrests.

The feeling is widespread among the Indian and Metis people that the police push them around and arrest them on the slightest provocation. However, in many areas the police show a spirit of friendliness for the Indian people. Indeed, often the local police officer is active in social and recreational work among the Indian and Metis people.

In many parts of Canada, particularly on Indian reserves in the rural areas, inadequate police protection is given, and this may be encouraging activities such as the manufacture of home brew, with its attendant repercussions. In remote areas police visits, usually by charter aircraft a few times a year, are not only inadequate but give rise to situations where complaints are not attended to for several months and the subsequent charges are so delayed that they are practically meaningless. This poor level of police service may well be the basis from which increasing crime will spring.

The Royal Canadian Mounted Police and the provincial police forces of Ontario and Quebec should, at an early date, re-examine the whole matter of the levels and adequacy of service they are now providing in those two provinces. Jurisdictional problems are recognized, but the over-riding needs of the Indian people should be met by agreements between these forces, whereby one force or the other is given full police jurisdiction in any given area.

*Recommendation :*

*Termination of multiple police jurisdiction on Indian reserves through arrangements between the federal, provincial and municipal police forces, to remove confusion in the minds of the people and to avoid costly and inefficient use of police manpower. A single force on each reserve is recommended, assisted by an expanded and improved Indian constabulary.*

## **Indian Constables**

Mention has already been made of the use of supernumerary or band constables to assist in the policing of Indian communities and reserves. These constables, who are usually members of the local band selected by the band council can perform a valuable function. Furthermore, the Royal Canadian Mounted Police have a limited number of "special constables" — generally persons of Indian or Eskimo origin — who perform a wide variety of tasks ranging from actual police work or interpreting to janitorial duties.

Omitting the latter from the present discussion and focussing on the constables employed by band councils, in 1966 there were 46 of these, distributed across the country as in Table IV below. While this is a small

number, the evidence suggests that there is considerable potential in this form of policing.

TABLE IV  
Number of Indian Band Constables by Province

<i>Province</i>	<i>Number of Constables</i>	<i>Comments</i>
British Columbia	0	Law enforcement on Indian reserves in B.C. is performed by the R.C.M.P. through special arrangement between the provincial and federal governments.
Alberta	8	
Saskatchewan	2	
Manitoba	10	
Ontario	14	
Quebec	4	
New Brunswick	5	
Nova Scotia	3	
Prince Edward Island	0	Lennox Island Constable resigned November 30, 1966. No information on new appointment was received.
Northwest Territories	0	
Yukon Territory	0	
Total:	46	

Source: Indian Affairs Branch.

The work of the band constables was studied in all parts of Canada and it was generally agreed that they are doing a good job under conditions of employment that are far from ideal. Their common problems were reported as follows:

- (1) Authority and jurisdiction not clearly defined
- (2) Pay ranges which vary from totally inadequate to subsistence
- (3) Inadequate training (exception: Walpole Island band is at present paying for their constable to attend Aylmer Police College)
- (4) Impartiality of enforcement difficult for many constables working on their home reserves; conversely, many Indian people accuse constables of favoritism in policing own relatives and friends
- (5) Pressures from members of band councils to show favouritism or be dismissed
- (6) Lack of supervision
- (7) Lack of uniforms, vehicles and equipment
- (8) Need for additional staff to provide twenty-four hour service
- (9) Lack of opportunities for increased pay, promotion and transfer

Observations made by the field workers and opinions expressed to them suggests that a band constable system should be set up, perhaps on a pilot



project basis in the Maritimes, where the incidence of Indian conflict with the law is not at present serious. Such a system, once developed, could be responsible for the following functions:

- (1) Enforcement of band by-laws
- (2) Enforcement of truancy regulations and curfews
- (3) Enforcement of all provincial and federal statutes on reserve
- (4) Liaison with Provincial and Royal Canadian Mounted Police

It is suggested that the Royal Canadian Mounted Police is the logical agency to carry out this pilot-project and to be responsible for the training and supervision of band constables across Canada. This is suggested because of their experience with special Indian constables.

In summary, the band constable system, together with the use of Royal Canadian Mounted Police special constables of Indian origin, seems to be proving effective and has many advantages. It appears that the Indian people not only accept police services from members of their own ethnic group, but also that the system gives them an opportunity to take responsibility for self-discipline. The present administrative and organizational problems of the band police are many, and changes are required to develop the great potential this service has for successful police work in the Indian community.

*Recommendation :*

*Expansion and improvement of the Indian constable system through :*

- (a) *Clear definition of terms of reference, including expanded authority, under federal and provincial legislation;*
- (b) *Training of band constables to provide full knowledge of modern police methods and skills;*
- (c) *Adequate and standardized pay levels and working conditions to recognize the importance of this as a career position;*
- (d) *Continuing supervision by the appropriate police force.*

*That, where feasible, the Royal Canadian Mounted Police be requested to take responsibility for training and supervision of the Indian constable system.*

## **Courts**

The number of Indian people appearing in courts in this country, with the exception of Quebec and to a lesser extent the Maritimes, is a cause for deep concern. Courts do not generally keep adequate statistics on the racial origin of those persons appearing before them but it was widely reported by the field workers that the number of Indian people appearing on the docket was noticeably higher than their numbers in the general population warranted.

It appears that Indians have little understanding of their legal rights, of court procedures or of resources such as legal aid. The vast majority in conflict with the law appear in the magistrate's court where offences such as liquor infractions, petty theft and assaults are heard. In general, the magistrates seem to have great compassion for the Indian people and to be lenient in their treatment of them in comparison to non-Indians appearing before them on similar offences. There are exceptions to this rule, places where

magisterial attitudes are reflected in sterner treatment of the Indian people. But these are rare, and were encountered primarily in those areas where the court docket was almost exclusively composed of Indian or Metis people and where general conditions among the Indian people were at their worst.

Occasionally, leniency shown by the magistrate towards Indians tended to irritate local authorities, particularly the police, and may well contribute to the attitude on the part of some Indian people that the law itself is not only a joke, but that the magistrate or justice of the peace bases his decisions on whim and caprice.

The biggest problem the magistrates have is with repeaters, and it is not uncommon for the magistrate to know every Indian person on the docket by his first name because of his many previous appearances before him.

It appears that most Indian people enter guilty pleas either because they do not really understand the concept of legal guilt and innocence, or because they are fearful of exercising their rights. Access to legal counsel is seldom possible for them. In remote areas, the Indian people appear confused about the functions of the court, particularly where the Royal Canadian Mounted Police officers also act as Crown prosecutors, or where the magistrates travel about in police aircraft.

In the southern part of Canada, there appears to be no real language barrier because most Indian people have had relatively close contact with either the French or English-speaking dominant group and have an understanding of either the English or the French language. The field workers observed, however, that *communication*, with full understanding and good rapport, is practically non-existent. The use of interpreters does not alleviate this fully because, for the most part, the interpreters themselves were not able to grasp the significance of court language. In addition, there is no well-organized system of locating good interpreters or paying them adequately for their services. An example was quoted — and this apparently happens quite often — in which an accused Indian, who had already been sentenced for an offence and had been removed to jail, was subsequently returned to court and pressed into service by the magistrate as a court interpreter for other Indians undergoing trial.

The field staff encountered several magistrates who are attempting to better serve the needs of the Indian people by use of remand procedures; Indian offenders appearing before them are remanded on their own recognizance for sentence at a later date. This allows for the accused to return to the community and re-establish himself in employment or obtain the services of other community agencies. The subsequent sentence is dependent upon the steps the accused has taken to get himself straightened out. Quite often it is found that this device is successful as a means of impressing upon the accused the need to avoid further conflict with the law.

A special mention must be made at this point of the excellent co-operation received from judges, magistrates and justices of the peace during the course of this study. As a group they have a lively concern for the problem, springing, no doubt, from their daily association with it. Provincial magistrates' associations might well be able to offer positive suggestions to meet this situation which is of special concern to them.

*Recommendation :*

*Provision of special services in magistrates and justices of the peace courts to ensure that Indian and Eskimo people understand and exercise their rights. At present, most do not understand the nature of the charges against them, the type or implication of plea they may enter, court procedures and terminology, the right to speak on their own behalf or to request legal counsel. The few who do know these rights seldom do anything about it when they are in court. Provision of legal counsel for serious charges is essential at this stage of the process. It is further recommended that provincial magistrates' associations be asked for their suggestions on these matters in the light of their special knowledge, experience and concern.*

## Probation, Institutions and Parole

### Probation

Any discussion of probation services in Canada must take note of the tremendous strides that have been achieved by provincial governments over the past decade. In terms of staff and funds the progress has been remarkable, particularly in some of the larger cities. This in no way alters the situation, often reported by probation administrators themselves, that much more has to be accomplished before the probation needs of the general population are being fully met. This is particularly true of probation services to Indian people, sometimes even in those communities where the bulk of offenders are people of Indian origin. The problem is compounded in the case of Indian people because of their location in rural or remote areas, their lack of employment opportunities and their generally low socio-economic condition. For those Indian people who are a federal responsibility, lack of clear-cut jurisdiction between the federal and provincial authorities for provision of service is a further complication. Few Indians contacted understood the nature of probation, and fewer still seemed able to take full advantage of such services as were available. While most magistrates appeared anxious to use probation as an alternative to incarceration, the practical limitations of the service as it applies to Indians precluded its use.

In most provinces, magistrates will grant probation to juveniles regardless of weakness in the home environment. The lack of supervision, follow-up and counselling that is given to Indian juveniles can only serve to implant in their minds a deep and permanent disregard for the law. The future costs of failure to meet this situation cannot be foreseen, but it is safe to say that if these services remain inadequate for the Indian and Eskimo people the wasted expenditure both in terms of dollars and human lives in the future will be staggering.

#### *Recommendation :*

*An immediate examination should be made by provincial agencies of the extent of their probation service as it applies to Indian people, particularly to juveniles, because jail sentences or committals to training school as a correctional device for most Indians are ineffective and costly.*

### Institutional Population

Statistical data on the number of people of Indian ancestry in correctional institutions is shocking, especially from Central Ontario to points west and north in Canada. The following tables illustrate this.



TABLE V

Number of Indian, Metis and Eskimo Juveniles  
in Selected Training Schools in Canada  
for Certain Periods in 1965 or 1966

<i>Prov.</i>	<i>Institution</i>	<i>Period</i>	<i>Total Admitted<sup>1</sup></i>	<i>Total In Detention<sup>2</sup></i>	<i>Indian, Metis and Eskimo</i>	<i>Indian, Metis or Eskimo Percent</i>
N.S.	N.S. Home for Boys St. Euphrasia's School for Girls	Jan-Aug 66	82		1	1
	Maritime Home for Girls	1965	23		2	9
		1965	15		0	0
N.B.	N.B. Training School	Jan-Aug 66	50		2	4
Man.	Manitoba Home for Boys	Aug 66		91	34	37
	Manitoba Home for Girls	Aug 66		27	9	33
	Marymount School	Aug 66		32	10	31
Sask.	Saskatchewan Boys' School	1965	120		56	47

<sup>1</sup> Total number admitted during period of time indicated.

<sup>2</sup> Detained in Training School at the time of the collection of data.

Source: Field workers' reports.

TABLE VI

Number of Indian, Metis and Eskimo Adults  
in Selected Eastern Provincial Correctional Institutions  
in Canada for Certain Periods in 1965 or 1966

<i>Prov.</i>	<i>Institution</i>	<i>Period</i>	<i>Total Admitted<sup>1</sup></i>	<i>Total In Detention<sup>2</sup></i>	<i>Indian, Metis and Eskimo</i>	<i>Indian, Metis or Eskimo Percent</i>
N.B.	N.B. Central Reformatory Interprovincial Home for Young Women	Jan-Aug 66  Since 1963	70  20		3  0	4  0
Que.	New Carlisle Jail Roberval	Jan-June 66 1965	242 834		29 245	12 29
Ont.	Mercer Reformatory (F) Brampton Burtch Algoma Kenora District (M) Kenora District (F) Sudbury District	Aug 66 Aug 66 Aug 66 Jan-June 66 Jan-June 66 Jan-June 66 Jan-June 66		68 130 135  370 587 281 1120	7 4 22 91 418 266 195	10 3 16 24 71 95 17

<sup>1</sup> Total number admitted during period of time indicated.

<sup>2</sup> Detained in jail at the time of the collection of data.

Source: Field workers' reports.

TABLE VII

Number of Indian, Metis and Eskimo Adults  
in Selected Western Provincial Correctional Institutions  
in Canada for Certain Periods in 1965 or 1966

Prov.	Institution	Period	Total Admitted <sup>1</sup>	Total In Detention <sup>2</sup>	Indian, Metis and Eskimo	Indian, Metis or Eskimo Percent
Man.	Headingly	Aug 66		454	99	22
	Brandon	Aug 66		79	47	59
	Dauphin	Aug 66		66	52	78
	The Pas (M)	Aug 66		38	32	84
	The Pas (F)	Aug 66		17	17	100
	Portage La Prairie	Aug 66		63	44	69
Sask.	Regina P.C.I.	Aug 66	222		106	48
	P.A. P.C.I. (M)	Aug 66	153		101	66
	P.A. P.C.I. (F)	Aug 66	30		24	80
Alta.	Fort Saskatchewan (M)	Aug 66	648		181	28
	Lethbridge	Aug 66	318		208	66
	Calgary	Aug 66	563		88	16
	Fort Saskatchewan (F)	Aug 66	109		81	74
	Oakalla Prison Farm	Apr 66	741		100	13
B.C. <sup>3</sup>	Vancouver Island Unit	Apr 66	100		10	10
	Kamloops	Apr 66	170		69	41
	Prince George	Apr 66	89		21	24
	Oakalla Prison Farm (F)	Apr 66	76		35	46
	Kamloops (F)	Apr 66	11		11	100
	(RCMP Whitehorse Guardroom)	Aug 66	176		95	54
Y.T.	Fort Smith	Aug 66	131		108	82
N.W.T.	RCMP Inuvik (Guardroom)	Aug 66	85		81	95
	Frobisher Bay	Aug 66	25		22	88

<sup>1</sup> Total number admitted during period of time indicated.

<sup>2</sup> Detained in jail at the time of the collection of data.

<sup>3</sup> Registered Indians only.

Source: Field workers' reports.

TABLE VIII  
Number of Indian and Metis Adults in Federal Penitentiaries  
in Canada as of December 31, 1965

<i>Province</i>	<i>Institution</i>	<i>Total Population</i>	<i>Indians and Metis</i>	<i>Indians only</i>	<i>Percentage Indian or Metis</i>
Maritimes	Dorchester Penitentiary (including 3 satellite camps)	751		8	Under 1
Quebec					
Ontario					
Manitoba	Manitoba Penitentiary	597	133		Insignificant
Saskatchewan and Alberta	Saskatchewan Penitentiary Farm Annex (min. sec.)	738 87	111 20		15 23
British Columbia	B.C. Penitentiary William Head (min. sec.) Agassiz Camp (min. sec.)	689 123 63		62 10 9	8.8 8 14

Source: Canadian Penitentiary Service.



In many places Indian people were the major users of police lock-ups and jails, sometimes accounting for 100 per cent of the inmate population. In Manitoba, Saskatchewan and Alberta provincial institutions, the percentage of Indian and Metis inmates varied from a low of 16 per cent to a high of 100 per cent, and averaged about 53 per cent of all persons in detention during the period under study. Penitentiary statistics showing the racial origin of inmates are not fully accurate<sup>1</sup> but it is obvious that the ratio of Indian and Metis persons serving penitentiary terms is higher than among non-Indians.

Many Indian persons presently in jail are there for offences that might be better dealt with in other ways and they are not, on the whole, rehabilitated as a result of their sentence. Most, in fact, reflect the "revolving door" aspect of the jails: they go in, serve their time, leave the institution, and are soon back in jail again. While it was not possible to get over-all statistics on the rates of recidivism, one sample taken by the field worker at the Prince Albert Provincial Correctional Institution for Women during the month of August 1966, showed that of the 60 women of Indian ancestry who were serving sentences, 17 were first offenders, 23 had been there between 2 and 11 times, 16 had been there between 11 and 18 times, and 4 *had been there 37 to 42 times*. Any sentence these same women may have served in other jails is not included in the above figures. Most of the jail personnel remarked that after a while on the job they got to know nearly all their "customers" by first name because the same people came back time and time again.

It was widely reported to the project field staff by institutional personnel and by Indian inmates that many of them are in jail because they cannot pay fines. Moreover, many Indian people reported that they would plead guilty rather than be remanded for later sentencing. They believed it was better to plead guilty and be convicted than to be on remand because, once convicted, they were allowed to participate fully in the jail program. Others said that the police encouraged them to plead guilty on the grounds that the court would be more lenient.

It is widely believed by jail officials and police that some Indians break the law on purpose to get food and shelter and examples were uncovered in which the advent of the cold weather was accompanied by an influx of Indian inmates. Certainly it can be established that during the winter months more Indians choose to serve a jail term rather than pay a small fine, but it must also be remembered that seasonal employment opportunities are at their lowest during the winter months, and few Indians have the money to pay fines. Such a practice may also exist among non-Indians.

It was universally reported that the Indian people are model prisoners and are well-liked by the custodial staff. In general, their morale is superior to that of the non-Indian inmates, and it seems that Indians chafe less at prison routines and are more amenable and less demanding than non-Indians. For many Indians the food, lodging and facilities are superior to what they can hope to find on the outside and, even more significantly, for some Indians prison represents their only experience in social equality with non-Indians.

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<sup>1</sup> Queen's Printer, *Hansard*, *op. cit.*

The field staff did not detect any overt discriminatory practices in any of the institutions in Canada, although in one or two of the more primitive institutions, occasional doubtful routines seem to smack of segregation. On the whole, however, the Indian people seem to receive rather special, preferential treatment from institutional personnel. Indeed, because in many parts of Ontario and Quebec they are a small minority of the total population, they get extra attention. In one large institution for federal offenders the warden and assistant warden knew every Indian and Metis inmate by his first name and could give all the details of his past from memory.

A word of caution must be entered at this point. Many Indian people make such an easy adjustment to prison routines that they become institutionalized and lose the ability to function on the outside. Often, too, they are model prisoners in the sense that they conform to routines but they take little real part in those prison programs and services designed to equip them to stay out of jail in the future.

The information and views obtained by the field staff seem to indicate that many people of Indian ancestry are undergoing imprisonment as a result of circumstances or offences that could be better dealt with in ways other than imprisonment. If anything, their time in prison serves to expose them to undesirable criminal elements previously unknown to them. Further, for some Indian first offenders, a jail sentence opens the door into a life that is preferable to what they can expect on the outside, and there can be little incentive for many to avoid an early return to the security of a superior material existence within the walls.

### **Special Prison Programs**

Few institutions in this country have special programs geared to the Indian people as a group, even in those institutions where the majority of the inmates are of Indian extraction. Indians are least able to make use of trade-training and vocational-training programs within the institutions because of low educational achievement, poor employment habits and lack of interest. For those planning to return to their home communities or reserves there is little incentive to pursue studies toward a trade that would in all likelihood have little relevance to their employment opportunities.

On the basis of experience, many institutions assign Indian people to outdoor work-camps or prison-farm annexes because they enjoy and are good at this kind of work (or so it is believed) and also because, in general, they are not a security risk. Within the walls they are often assigned to wood-working and leather-working activities, partly because their limited educational level prevents their assignment to more advanced trade courses, but partly because it is believed they are particularly skilful in work of this nature and enjoy it. For the women, bead work is often the major creative activity open to them.

In British Columbia, both in the Prince George Provincial Gaol and in the Haney Correctional Institution some special programs are being tried, and these show signs of success. At Prince George a prospecting course has been established, and the student body contains inmates of Indian ancestry. These trainees leave the jail on course nights and take their program with

other regular night-school students in the Prince George Secondary School. At Haney, special efforts are made to get Indian inmates active in work programs that will be relevant to their opportunities on release. Similar approaches can be found elsewhere in Canada where enlightened and interested staff are trying to meet the special needs of Indian inmates. For the most part, however, the Indian inmate presents a picture of a chronic repeater, serving an unbroken series of jail sentences progressively greater in length, with little opportunity for advanced training within the institution and an extremely poor prognosis for a successful life on the outside.

## Parole

Parole services to Indian people are available on much the same basis as to non-Indians, but it is apparent that the Indian people cannot make full use of a program which is not geared to their general needs. Indians in institutions have ample knowledge of the availability of parole, but few are able to develop a parole plan and few are able to comprehend the nature of this device. Most consider it to be "like probation — a means of getting off".

The conditions of parole are unrealistic when viewed against the social and environmental circumstances most Indian inmates will face upon release. The National Parole Board, in its pamphlet outlining for inmates the conditions of parole, summarizes these as follows:

In short, you are obliged to do the following:

1. to be under the authority of a representative of the National Parole Service;
2. to proceed at once to the place of your residence and obtain permission before moving to another area;
3. to report faithfully upon arrival and at least on a monthly basis to our representative, or to the local police;
4. to accept the supervision and assistance of a supervisor;
5. to maintain steady employment;
6. to obtain permission in advance before making certain important decisions which may affect your future behaviour and progress;
7. to abide by all instructions of your supervisor or the Regional Representative;
8. to contact at once your supervisor or the Regional Representative, if you are arrested or questioned by the police;
9. to obey the law and fulfill your legal and social responsibilities.<sup>1</sup>

Only a small fraction of Indian inmates could hope to meet the above conditions, since most of them cannot devise a plan that will encompass such desirable objectives as steady employment, or reside in areas where the required supervision can be obtained.

The provinces of Ontario and British Columbia have established provincial parole boards which can grant parole to inmates of provincial institutions under certain conditions. They face the same problems in trying to fit parole to the special problems of the Indian people and keep the

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<sup>1</sup> Street, T. G., *Handbook on Parole*. Ottawa: National Parole Board, 1966, p. 8.

program within regulations and terms of reference designed for urban dwellers in a wage-employment economy.

The very important requirement for supervision of Indian parolees could be met through use of government employees or private individuals, including missionaries, as supervisors, particularly in remote areas. In preliminary studies carried out as part of the most recent report by the Hawthorn group, it was discovered that band councils, which have been established widely in Canada, often have little responsibility and fewer functions assigned to them.<sup>1</sup> It is therefore suggested that supervision of selected parolees might be a proper and helpful role for members of band councils or their staff to play. This would have the added benefit of giving Indian leaders direct responsibility in helping to meet a pressing and recurring problem among their own people.

The National Parole Board should set up a special classification procedure whereby the files on all applicants for parole who are of Indian or Eskimo ancestry are given special scrutiny and consideration when being reviewed for decision. There are already precedents for this within the National Parole Service. A similar procedure has been devised whereby special attention and consideration is given to applications for parole from Doukhobor inmates. Furthermore, the National and British Columbia Parole Boards have devised routines that have dramatically increased the number of paroles granted Indian inmates at the Haney Correctional Institution, though relaxed and flexible conditions for parole.

*Recommendation :*

*Increasing use of parole services for people of Indian or Eskimo ancestry through more flexible parole conditions and more extensive use of suitable individuals, members of band councils and government personnel, to provide parole supervision especially in rural and remote areas; and, further, that a special procedure be established by the National Parole Board whereby particular attention and consideration is given to parole applications from people of Indian or Eskimo ancestry.*

### **Provincial Services to Metis**

In the Maritimes and Quebec there are no special provincial programs aimed directly and exclusively at the Metis people because they have not been identifiable as a disadvantaged group. In other parts of Canada, Metis people have social and economic problems of the same nature and magnitude as do the Indians, and their involvement with the law is, also, disproportionately high in comparison to other Canadians. Some provinces, i.e., Manitoba, Saskatchewan and Alberta, do have provincial agencies or services with terms of reference that specifically include the Metis people, particularly in community development programs. It appears however, that provincial services to Metis people fall far short of present needs and that more attention is urgently required to meet growing problems which, in some places, are almost out of hand.

*Recommendation :*

*Immediate action by provincial governments to improve and co-ordinate correctional services to Metis people.*

<sup>1</sup> Hawthorn, H. B., *A survey of the Contemporary Indians of Canada*. Ottawa: Queen's Printer, 1967, Chapters XIII and XIV.



## CHAPTER VII

# Community Resources and Preventive Services

### After-care Services

After-care services to juveniles are the responsibility of the provincial governments of Canada, and all have an administrative set-up for this purpose. The quality of these services varies from one province to another and from one area to another within the province. For the most part, Indian reserves in rural and remote regions have less adequate levels of service.

Adult after-care services, also a provincial responsibility, are generally provided by private agencies. The John Howard Society, the Société d'orientation et de réhabilitation sociale, the Elizabeth Fry Society and the Salvation Army, are perhaps the best known after-care agencies, but their programs are by no means universal and are often non-existent in the remote areas where Indians and Eskimos live.

To other programs or agencies such as Alcoholics Anonymous and the manpower services (placement and counselling) the Indian ex-inmate brings a backlog of problems so massive that he faces greater handicaps than does a non-Indian upon discharge from jail. Employment counselling and placement services operated by the Indian Affairs Branch for registered Indians have not proved effective because the Branch has had only slight involvement with Indians during the period when they are undergoing correctional treatment.

#### *Recommendation :*

*That the provincial governments and the federal government should take the initiative in providing encouragement (particularly financial) to private after-care agencies with a view to stimulating an increased and expanded level of services to Indian and Metis people.*

### Friendship Centres

Canada has had a long experience with institutions and facilities which serve to meet the special social, cultural and economic problems of individuals and groups undergoing transition from one area or one cultural milieu to another. Many ethnic and racial groups have set up their own social clubs, especially in larger centres, to assist the adjustment of newcomers to Canada and to strengthen cohesion within their own racial, linguistic or religious group. Immigration centres, operated by the Canadian Government, were also established to disseminate information to newly arrived immigrants and to facilitate their acclimatization and acculturation. Relatively little has been done in the past however to assist the Indian and Metis people of Canada

to move easily within their own country. The Friendship Centre, a relatively new development in Canada, seems to have the greatest potential for meeting the special needs of the Indian and Metis people.

Many Friendship Centres have sprung up, or are planned, in all parts of Canada to provide liaison between the Indian and non-Indian communities and to assist people of Indian ancestry to understand and use existing community services. They are known by a wide variety of names, such as "Indian and non-Indian Goodwill Association", Fredericton, New Brunswick; "Beaver House", Northern Quebec; "The Canadian Indian Centre of Toronto"; "Indian Metis Friendship Centre", Winnipeg; "Canadian Native Friendship Centre", Edmonton; "Vancouver Friendship Centre". Their functions and their programs are as varied as their names:

- the Fredericton Association has provided lawyers to needy Indians, acted as a pressure group for better city services to the St. Mary's Reserve, operated a kindergarten and succeeded in obtaining door-to-door milk delivery for reserve families;
- Beaver House in Northern Quebec provides services of all kinds to 1,500 Indian people a year who use its facilities as a meeting place for band councils or as a classroom for instruction in French;
- in Port Arthur and Kenora, the Centres are primarily social gathering points for the young people to keep them off the streets;
- in Flin Flon, Manitoba, the Centre serves as a rooming-house for transient persons, provides low-cost meals and gives some individual counselling;
- the Centres in the rural areas of Saskatchewan, Alberta and British Columbia operate in much the same manner as the Centre in Flin Flon.

To generalize, rural Friendship Centres serve as "drop in" places where people of Indian ancestry can meet, socialize and, more importantly, get information about what they will face when they move from the reserves or remote areas into towns and cities. There is evidence that this is a most valuable function, in view of the large numbers of Indian people who are moving into urban areas with little knowledge or experience in the ways of a city or large town.

The Centres in the large urban areas, for example, Toronto, Winnipeg, Edmonton and Vancouver, are oriented quite differently. Invariably, they focus their attention on three major areas of service:

- (1) referral to other community services and agencies;
- (2) court work;
- (3) recreational and group activity programs of a social nature.

Judges, magistrates, court officers and police in many parts of Canada were voluble in their praise of the work being done by the Centres in the field of prevention and also in court work and counselling. Perhaps the value of this work is best summed up in the words of a Royal Canadian Mounted Police Sergeant in one of the semi-urban areas of Canada, who said, in reference to the work being done at a local Friendship Centre, "This Centre has reduced delinquency more in the past two years than we (the R.C.M.P.) have in the last ten".

There is a heavy demand on the Centres in the larger cities. For example, from April 1965 to March 31, 1966, the Canadian Indian Centre of Toronto saw 15,338 persons participate in their programs, with an average monthly attendance of 1,278 during that period.

The Winnipeg Centre, in addition to the services of its Alcoholics Anonymous group within the city, and also at Stoney Mountain Penitentiary, during the period May 1, 1965, to August 31, 1966, referred 32 people for legal aid, 5 to the National Parole Board, 286 to the Indian Affairs Branch, made 326 job placements and operated a constantly busy home-finding service.

The Calgary Indian Friendship Society during 1966 was attended by approximately 20,000 people, 13,000 of whom were of Indian ancestry. They placed 1,450 men and women in jobs, referred 250 to other agencies and services, gave legal advice and assistance to 175, found housing for 125, gave individual and family counselling to 150, provided special tutoring for 32 students and issued 135 people with loans through an emergency fund.

These Centres are doing an excellent job in nearly every location and are, in fact, the only private agencies focusing directly and consistently on the needs of the Indian people of Canada. Because they offer services to all persons of Indian and Eskimo ancestry without first categorizing them as either a provincial or federal responsibility, they appear to have achieved a great degree of acceptance by the Indian people themselves. This is evidenced by the increasing use being made of the Centres. In the larger cities the court workers from the Friendship Centres are often the only ones attending court, visiting the jails, and working with the police and the magistrates to improve services to Indian people in conflict with the law.

In terms of their long range effect the Centres are making great strides in bringing together Indian and non-Indian people through their Boards of Directors and through their voluntary workers, many of whom are non-Indians. In Fredericton, N.B., most of the persons active in the Goodwill Association are members of the faculty or students of the University of New Brunswick. Elsewhere the picture is much the same and this will, over the long run, foster a more sympathetic and harmonious relationship between Indians and other Canadians. The importance of this work needs no further elaboration.

Two main problem areas emerged in this study:

- (1) the Centres are nearly all in strained financial circumstances with inadequate budgets and underpaid staff;
- (2) they lack clearly defined policies and programs and, while this may allow them to be flexible and responsive to the needs of the local area, in many cases the staff are wasting time and energy in groping for their proper role.

Most Centres depend for their revenue on grants from federal, provincial and municipal governments, plus occasional donations from service clubs and individuals.

It appears that all levels of government have been less than generous in the funds they apportion to these Centres, both for capital and operating grants. The volume of service they provide, referred to briefly above, in

itself warrants greater recognition in terms of financial assistance. The quality of the work, even in straitened financial circumstances which force a hand-to-mouth kind of operation, still remains high, and there is every reason to believe that their efforts could be even more successful if the daily threat of insolvency were not hanging over their heads.

The liaison officers in the Citizenship Branch of the federal government should become more active in working with these Centres. The number of Indian people moving into the cities and towns of our country is already large and will undoubtedly increase substantially as over-population of the reserves forces Indian people to move elsewhere. The problem is already serious and governments have been slow to recognize a trend that cannot fail to create serious problems in the very near future.

The Indian-Eskimo Association of Canada has attempted, in a limited way and with inadequate funds, to serve as a clearing house for information to the Friendship Centres across the country and has convened staff and program development seminars for the workers in Friendship Centres. These activities could well be expanded if a special grant was available to the Indian-Eskimo Association perhaps on a pilot project basis.

*Recommendation :*

*Encouragement to Indian-Metis-Eskimo Friendship Centres by substantially increasing federal, provincial and municipal grants. It is further recommended that the Citizenship Branch of the federal government undertake immediately a review of the function their liaison officers might perform in assisting these Centres and such organizations as the Indian-Eskimo Association, to develop sound programs for Indian people coming into the cities and towns. The positive role played by the centres and the Indian-Eskimo Association of Canada merits increased financial and administrative support from all levels of government and from the general public.*



## CHAPTER VIII

### Summary and Conclusions

Underlying all problems associated with Indians and Eskimos in this country are the prejudice and discrimination they meet in the attitude of non-Indians. The result is a conviction on the part of Indians and Eskimos that they are not really part of the dominant Canadian society and that their efforts to better themselves will fail because they do not have an even chance.

It would appear that there is a greater degree of acceptance of Indians and Eskimos in the eastern part of the country than in the west and the north. No ready explanation is at hand why this is so, and the question should be investigated further. However, even in the east the view is widely held that Indians and Eskimos are second-class citizens. If one looks only at personal hygiene, housing conditions, lack of initiative and poor work-habits, the conclusion could be reached that many Indians and Eskimos are lazy, worthless and shiftless. Many non-Indians believe that nothing better can be expected from the descendants of Canada's original people and many Indians and Eskimos oblige by acting in a way that confirms this expectation.

Few non-Indians would admit to feelings of prejudice against the Indian and Eskimo people because such views are no longer acceptable, but the facade of tolerance often vanishes when problems arise.

A double standard flourishes in many areas where Indians and non-Indians are in close contact. The Indians recognize this, and while some resent it, most are apathetic and have come to expect nothing better. Members of the non-Indian community are less ready to acknowledge its existence, yet they reflect biased attitudes inadvertently. Indians and Eskimos who engage in excessive drinking at carnivals or sporting events are "worthless drunks" while non-Indians behaving in the same manner are "real swingers".

In some places Indians are exploited by unscrupulous merchants, bootleggers and others and are victimized by non-Indians who use money, companionship or liquor for the purpose of sexually exploiting Indian and Eskimo girls and women.

It is not the function of this study to deal with racial prejudice. Indeed, it is most difficult to suggest specific measures which would strike at the roots of prejudice and the discrimination that flows from it. However, as general conditions among Indians and Eskimos improve they will be better equipped to take their place in the social and economic life of Canada, and this should lead to greater acceptance by other Canadians. Few non-Indian Canadians have had direct experience with Indians and Eskimos, partly because of geography, partly because the Indians have been insulated by the

reserve system and partly because the Indian and Eskimo often withdraws to a world of his own even in the midst of other Canadians. There is evidence of an awakened interest and an awakened conscience among Canadians generally towards Indians and Eskimos and it is to be hoped this trend will continue.

Films, television and radio should all be used to give Canadians generally a fuller understanding of the Indian and Eskimo people, their culture and their problems. Text-books used in schools should deal more fairly with the story of these peoples and not leave the impression that North American history began with the arrival of Europeans and that subsequent progress occurred in spite of the alleged brutality and treachery of the Indians.

It is most important that Indians and Eskimos exercise greater self-discipline than they have in the past. The rebuilding of a sense of self-respect and pride-in-race will be possible only if Indians, Eskimos and non-Indians alike make a real effort.

We must, however, avoid any suggestion that the Indian and Eskimo people should abandon their identity and try to become mere copies of some segment of the dominant non-Indian group. Canada has been built on the principle that people of each nationality should retain their special characteristics while becoming part of the mainstream of Canadian life. The result is an enriching and stimulating diversity to Canadian society. The Indians and Eskimos of Canada have a great and unique contribution to make, and their identity must be protected so all Canadians can share what they have to offer.

A fuller understanding of what it means to be caught between two cultures would result in a more sympathetic application of our laws and legal system to Indians and Eskimos. Our law is a foreign law to the Indians and Eskimos, not based on their culture or their history and not reflecting their values. They, therefore, do not understand it and often resent it.

A simple example has to do with personal possessions. In the traditional Indian community, if one member of the group is fortunate he is expected to share his good fortune with the others. In the primitive conditions of the past this principle had obvious advantages. However, it does not apply as smoothly under modern conditions, and sometimes the individual Indian will say it is not worth being the only working member of his immediate group since on payday his relatives simply move in and share his wages until they are gone. Also, doors are not locked in an Indian community and any member of the group feels free to make use of the house of another without asking permission. When this attitude is carried into a non-Indian community, the result is apt to be a charge of breaking and entering or trespassing.

However, it goes without saying that Indians and Eskimos must learn to understand the laws and the reasons for their enforcement. It follows that specific efforts must be made to help Indians and Eskimos understand Canadian laws and why they are what they are.

#### *Recommendation :*

*Educational programs should be launched to give Indians and Eskimos an understanding of the principles underlying our criminal laws, what the provisions of the laws are, and what protections and services are available to the individual citizen to ensure his legal rights. For*

*children, this program should form part of the school curriculum. For adults, it should be offered in adult education classes.*

It has been stressed throughout this report that there is little point in trying to solve the conflict with the law on the part of Indians and Eskimos without a parallel effort to solve the economic and social problems that exist among these people. The difficulties associated with liquor require special attention, but the misuse of liquor is itself associated with these basic economic and social problems.

Turning to the law enforcement, judicial and correctional services, one of the great needs is clarification of responsibility between the federal and provincial governments. The Indian Affairs Branch appears to be caught between the desire to meet the obvious needs of the Indian people in this area and reluctance to set up separate services for Indians with resulting duplication and further segregation of the Indian people.

The Branch seldom offers direct service to Indians at any stage of the process — at time of arrest, trial, conviction, sentence, incarceration or discharge — nor has it seen this type of service as its responsibility. Requests for service to individuals are sometimes made by the Branch to a provincial or private service on an *ad hoc* basis, and occasionally correctional officials contact the Branch to request assistance in discharge planning or to meet transportation expenditures, but there is no formalized, consistent arrangement.

In the eyes of many Indian people, and specifically, in the eyes of Indian inmates and offenders, the Indian Affairs Branch is not a resource to them. Some believe that the Branch will not help them at any time when they are in need; many believe that an Indian who gets in trouble with the law loses his right to any attention whatever. The existing legal aid service of the Indian Affairs Branch is restricted to Indians charged with capital or non-capital murder and, in some instances, where treaty rights are involved. This service is considered to be inadequate.

#### *Recommendation :*

*The role of the Indian Affairs Branch in all phases of the law enforcement, judicial and correction process should be reviewed with the objective of ensuring that adequate programs are available to Indians through federal, provincial and private agencies. Professional staff should be provided to carry out the necessary liaison to ensure that effective services are available to Indians who come into conflict with the law. All legal aid plans operating in a province should be made readily available to Indian people but where provision for legal aid has not been made, the Indian Affairs Branch should broaden its own plan to ensure that legal counsel is provided to Indians for all indictable offences.*

One experiment that has been tried with success in Canada, but not frequently enough, is the use of Indian and Eskimo people in providing law enforcement, judicial and correctional services to their own people. It is difficult for a non-Indian to understand the point of view of the individual Indian or Eskimo offender sufficiently to offer effective service. Also, Indians and Eskimos sometimes respond better to supervision by one of their own people than by someone they see as a stranger and an alien. At the same time, non-Indian staffs who work with Indians or Eskimo offenders should be trained so they can handle this difficult assignment more successfully.

*Recommendation :*

*Indians and Eskimos should be hired much more frequently than is now the case to work with Indians and Eskimo offenders in all aspects of law enforcement, judicial and correctional services. Non-Indian staff with a caseload that includes any large number of Indians or Eskimos should be given special training to help them understand the unique problems and point of view of Indians and Eskimos.*

The changes in respect to law enforcement, judicial and correctional services as they apply to Indians and Eskimos recommended in this report may go part of the way towards making these important segments of our population part of the mainstream of Canadian life by removing specific sources of irritation and unfairness. The responsibility to see that these changes are made rests squarely on the shoulders of all Canadians, including the Indians and Eskimos themselves. These issues must not be allowed to fade from our group consciousness, and specific steps must be taken to inform all interested Canadians as to the situation that exists and to seek further solutions.

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## Statistics on the Incidence of Illegal Behaviour Among Adult Indians in Canada

Available information on the incidence of illegal behaviour among Indians in Canada is not comprehensive and its accuracy and comparability must be questioned. For instance, no breakdown by age is possible so comparisons must be drawn on the basis of mass populations. Another difficulty lies in the definition of "Indian"; in some instances the term is used as defined in the Indian Act; in other instances it is used with a general racial connotation. How individuals of mixed blood are classified is unclear, and probably varies.

Another difficulty lies in obtaining figures on the total number of Indians in Canada. Information on the number of Indians as defined in the Indian Act is available, and the Census gives figures for Indians as defined racially; however some authorities maintain the Census figures are inaccurate and that there are more Indians in Canada, defined racially, than the Census indicates.

TABLE IX

Indians as Defined in the Indian Act  
and as Defined Racially, by Province

<i>Definition</i>	<i>Canada</i>	<i>Nfld.</i>	<i>P.E.I.</i>	<i>N.S.</i>	<i>N.B.</i>	<i>QUE.</i>	<i>ONT.</i>	<i>MAN.</i>	<i>SASK.</i>	<i>ALTA.</i>	<i>B.C.</i>	<i>Yukon &amp; NWT</i>
As defined by the Indian Act <sup>1</sup>	191,709		348	3,746	3,397	21,793	44,942	25,681	25,334	20,931	38,616	6,921
Defined Racially <sup>2</sup> (Census)	208,286	596	236	3,267	2,921	18,876	47,862	29,219	30,628	28,469	38,789	7,423

<sup>1</sup> Canada. Department of Indian Affairs and Northern Development. *Annual Report*. Ottawa: 1965-1966.

<sup>2</sup> *Canadian Census, 1961*. Racial descent is traced through the father. These are the latest Census figures available.

Which of these statements on the total number of Indians in Canada is selected for the purpose of estimating offence rates will obviously influence the statistics. The Census figures are used in the following tables.

The following figures must be considered as no more than indications of the situation that exists and should never be used as if they were accurate.

The Dominion Bureau of Statistics does not collect information on how many Indians and non-Indians are convicted of a *summary* offence. The information available through the Bureau on *indictable* offences follows:

TABLE X

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Canada as a Whole<sup>1</sup>

<i>Racial Type</i>	<i>Number Convicted<sup>2</sup></i>	<i>Number in General Population<sup>3</sup></i>	<i>Percentage of Offenders</i>
Indian	2,020	208,286	.97
Non-Indian	31,450	17,819,579	.18
Not Stated	5,209	210,382	

<sup>1</sup> The figures for 1961 are used since the latest Census data available are for that year.

<sup>2</sup> Dominion Bureau of Statistics, Judicial Statistics Section. *Statistics of Criminal and Other Offences 1961*. Ottawa: Queen's Printer. The definition used by the sources reporting to DBS is uncertain, but probably racial.

<sup>3</sup> *Canadian Census, 1961*. The definition is racial, traced through the father.

TABLE XI

Indians and non-Indians Convicted of an Indictable Offence,  
Related to the General Population. 1961. Newfoundland

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	0	596	0
Non-Indian	611	452,911	.13
Not Stated	92	4,266	

TABLE XII

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961.  
Prince Edward Island

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	0	236	0
Non-Indian	42	104,121	.04
Not Stated	0	272	



TABLE XIII

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Nova Scotia

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	15	3,267	.46
Non-Indian	1,331	722,945	.18
Not Stated	37	10,795	

TABLE XIV

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. New Brunswick

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	14	2,921	.48
Non-Indian	923	590,813	.16
Not Stated	101	4,202	

TABLE XV

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Quebec

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	32	18,876	.17
Non-Indian	7,246	5,231,573	.14
Not Stated	786	8,762	

TABLE XVI

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Ontario

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	416	47,862	.87
Non-Indian	10,744	6,060,118	.18
Not Stated	2,825	128,112	

TABLE XVII

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Manitoba

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	275	29,219	.94
Non-Indian	1,855	886,225	.21
Not Stated	238	6,242	

TABLE XVIII

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Saskatchewan

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	375	30,628	1.22
Non-Indian	1,085	889,056	.12
Not Stated	283	5,497	

TABLE XIX

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961. Alberta

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	363	28,469	1.28
Non-Indian	3,400	1,289,758	.26
Not Stated	249	13,717	

TABLE XX

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961.  
British Columbia

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	430	38,789	1.11
Non-Indian	4,087	1,562,929	.26
Not Stated	575	27,364	

TABLE XXI

Indians and non-Indians Convicted of an Indictable Offence,  
Related to General Population. 1961.  
Yukon and Northwest Territories

<i>Racial Type</i>	<i>Number Convicted</i>	<i>Number in General Population</i>	<i>Percentage of Offenders</i>
Indian	100	7,423	1.35
Non-Indian	126	29,050	.43
Not Stated	23	1,153	

## REFERENCES

- CANADA. Dominion Bureau of Statistics. *Statistics of Criminal and other Offences*, 1961. Ottawa: Queen's Printer.
- CALDWELL, George. *Indian Residential Schools*. Ottawa: Canadian Welfare Council, 1967.
- CLAIRMONT, Donald H. J. *Deviance Among Indians and Eskimos in Aklavik, N.W.T.* Ottawa: Department of Northern Affairs and National Resources. Northern Coordination and Research Centre, publication NCRC-63-9, 1963.
- DAILEY, R. C., "References to Drinking Among Indians in the Jesuit Relations", to be published in *Anthropologica*, Vol. X, No. 1, 1968.
- HAGAN, William T. *Indian Police and Judges*. New Haven and London: Yale University Press, 1966.
- HAWTHORN, H. B., BELSHAW, C. and JAMISON, S. *The Indians of British Columbia*, Toronto: University of Toronto Press, 1957.
- HAWTHORN, H. B. et al. "The Indians of British Columbia and Alcohol", *Alcoholism Review*, The Alcoholism Foundation of British Columbia, Vol. 2, No. 3, 1957.
- HAWTHORN, H. B., ed. *A Survey of the Contemporary Indians of Canada*. Ottawa: Queen's Printer, 1967.
- HONIGMANN, John J. and Irma. *Eskimo Townsmen*. Ottawa: Canadian Research Centre for Anthropology, 1965.
- LEMERT, Edwin M., "Alcohol and the Northwest Coast Indians", *University of California Publications in Culture and Society*, Vol. 2, No. 6, 1954.
- SHIMPO, MITSURU and WILLIAMSON, Robert. *Socio-cultural Disintegration Among the Fringe Saulteaux*. Saskatoon: Centre for Community Studies, 1965.
- STEWART, Omer, "Questions regarding American Indian Criminality", *Human Organization*, Vol. 23, Spring 1964.
- Union of Ontario Indians. *Indian Treaty Rights*. Brief submitted to the government of Canada, January 12, 1967.







